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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,037	10/29/2003	2184	936	2110-74-3	4	22	3

CONFIRMATION NO. 1210

GRAYBEAL JACKSON HALEY LLP
Suite 350
155-108th Avenue N.E.
Bellevue, WA 98004-5973

CORRECTED FILING RECEIPT

OC000000013306582

Date Mailed: 07/22/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Massimiliano Barone, Bresso, ITALY;

Assignment For Published Patent Application

STMicroelectronics S.r.l.;

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 02425660.4 10/30/2002

If Required, Foreign Filing License Granted: 01/29/2004

Projected Publication Date: 09/09/2004

Non-Publication Request: No

Early Publication Request: No

Title

Method for compressing high repetitivity data, in particular data used in memory device testing

Preliminary Class

714

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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Paper No.

James A. Harrison
P.O. Box 670007
Dallas, TX 75367

COPY MAILED

JUN 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Anders Hebsgaard and Mark Dale :
Application No. 10/698,055 : DECISION ACCORDING STATUS
Filed: October 30, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. BP 1622 :
Title: DOCSIS MAC LAYER-BASED ARQ :
FOR FIXED WIRELESS :

This is a decision on the PETITION UNDER 37 CFR 1.47 filed April 6, 2004 (certificate of mailing April 2, 2004).

The petition is **GRANTED**.

The above-identified application was filed on October 30, 2003, with an unexecuted declaration, missing the basic statutory filing fee and with additional claim fees due. Anders Hebsgaard and Mark Dale were named as joint inventors. Accordingly, on February 2, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, the basic filing fee, the additional claim fees and a surcharge for late filing.

In response, rule 47 applicant timely filed the instant petition (and fee); the late surcharge; the outstanding filing fees and a declaration executed by inventor Hebsgaard on behalf of himself and on behalf of non-signing inventor Dale. Rule 47 applicant maintains that status under 37 CFR 1.47 is proper because joint inventor Dale has refused to join in the application for patent.

By declaration of facts of attorney James A. Harrison, with supporting documentary evidence, petitioner has shown that the application papers were presented to inventor Mark Dale by regular mail and by certified mail - return receipt requested. By his conduct in not responding to the presentation of the application papers and request to sign the declaration, inventor Dale has refused to join in the application. The petition includes payment of the petition fee and the last known address of inventor Dale.

The declaration filed April 6, 2004, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status. As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

On petition under 1.47, rule 47 applicant also requests that any patent which may issue from the application be issued to Broadcom Corporation. In this regard, applicant is advised that a decision granting a petition under 37 CFR 1.47 does not alter the ownership interest or title of the application. If the non-signing inventor has not signed an assignment document which has been recorded in the USPTO, then the 37 CFR 1.47 applicant (the company that files the petition under 37 CFR 1.47(b) and establishes proprietary interest in the application) is NOT the assignee of the entire interest of the application. Furthermore, the requirements for issuance of the patent to an assignee, including a partial assignee, are provided for in 37 CFR § 3.81, not 37 CFR § 1.47.

Technology Center 2661 has been advised of this decision. The application will be examined in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MARK DALE
26962 WILLOW TREE LANE
LAGUNA HILLS, CA 92653

COPY MAILED

JUN 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Anders Hebsgaard and Mark Dale :
Application No. 10/698,055 : LETTER
Filed: October 30, 2003 :
Attorney Docket No. BP 1622 :
Title: DOCSIS MAC LAYER-BASED ARQ :
FOR FIXED WIRELESS :

Dear Mr. Dale:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

James A. Harrison
P.O. Box 670007
Dallas, TX 75367

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AUG 2 8 2009

OFFICE OF PETITIONS

FISH & RICHARDSON, P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,529,792 :
Josef Dietl : LETTER REGARDING
Issue Date: May 5, 2009 : PATENT TERM ADJUSTMENT
Application No. 10/698,059 : AND NOTICE OF INTENT
Filed: October 29, 2003 : TO ISSUE CERTIFICATE
Attorney Docket No. 24307-0010001 : OF CORRECTION
/2002P10023 :

This is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT" filed March 26, 2009. Pursuant to patentees' duty of good faith and candor to the Office, patentee requests that the determination of patent term adjustment under 35 U.S.C 154(b) be reviewed for accuracy.

The request for review of determination of the patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one thousand seventy-one (1071) days.

Patentee is given **THIRTY (30) DAYS or ONE MONTH, whichever is longer**, from the mail date of this decision to respond to this decision. No extensions of time will be granted under 37 CFR 1.136.

On January 6, 2006, a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) was mailed indicating that the patent term adjustment to date was 1,168 days (1,168 days of Office delay - 0 days of applicant delay). On March 26, 2009, patentee submitted the instant comment. Patentee discloses that he believes that the patent term adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) mailed January 6, 2009, is incorrect and should be recalculated. Specifically, patentee states that:

> Applicants filed an Information Disclosure Statement on August 1, 2008...The Information Disclosure Statement was filed after the response to the non-final Office action. Therefore, Applicants should have been accorded a delay of 56 days for a supplemental response. According to our calculations, the correct PTA should be 1112.

Excerpt from Letter Regarding Patent Term Adjustment filed March 26, 2009, page 1

On May 5, 2009, the above-identified application matured into US Patent No. 7,529,792 with a revised patent term adjustment of 1,127 days. A review of the record reveals that a period of reduction of 41 days was entered pursuant to 37 CFR 1.704(c)(10) for the filing of a Supplemental Combined Declaration and Power of Attorney on April 15, 2009, after the mailing of the Notice of Allowance. Accordingly, at issuance, the initial patent term determination of 1,168 days was reduced by 41 days of applicant delay under 37 CFR 1.704(c)(10) for a revised patent term adjustment of 1,127 days.

Further review of the application history reveals that an Information Disclosure Statement was filed on August 1, 2008, 56 days after a response to a non-final Office action was filed on June 6, 2008. 37 CFR 1.704(c)(8) provides that:

> (c) Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:
>
> (8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date the supplemental reply or other such paper was filed.

37 CFR 1.704(d) provides that:

> (d) A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable

> efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

It is undisputed that the Information Disclosure Statement filed August 1, 2008, was filed 56 days after the response to the non-final Office action was filed on June 6, 2008. The record does not support a conclusion that the Examiner expressly requested the filing of the IDS. Further review of the Information Disclosure Statement filed August 1, 2008, reveals that it did not include the proper statement under 1.704(d). Accordingly, pursuant to 37 CFR 1.704(c)(8), a period of reduction of fifty-six (56) days will be entered.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of one thousand seventy-one (1,071) days, (1,168 days of Office delay - 97 days of applicant delay).

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not assess the $200.00 application fee under 37 1.18(e). The Office thanks patentee for his good faith and candor in bringing this to the attention of the Office.

This application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended, or adjusted, by one thousand seventy-one (1,071) days.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,529,792 B2

DATED : May 5, 2009

INVENTOR(S) : Josef Dietl

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1127) days

Delete the phrase "by 1127 days" and insert – by 1071 days--

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,064	10/29/2003	1623	450	02486.0072.NPUS01	15	18	1

CONFIRMATION NO. 9740

Wilson, Sonsini, Goodrich & Rosati, PC
Attn: Albert p. Halluin
650 Page Mill Road
Palo Alto, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000013855804

Date Mailed: 09/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,264 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,064

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroeplandrosterone or dehydroeplandrosterone-sulfate with a methylxanthine derivative for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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10/698,066	10/29/2003	1617	450	02486.0069.NPUS01	15	18	1

CONFIRMATION NO. 9739

Wilson, Sonsini, Goodrich & Rosati, PC
Attn: Albert P. Halluin
650 Page Mill Road
Palo Alto, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000013886589

Date Mailed: 09/24/2004

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Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney:

James Shay–32062
Vernon Norviel–32483
Michael Barclay–32553
Jeffrey W. Guise–34613
Michael Murphy–37404
F. T. Mahaney–37668
Um Ping Eng–39666
George Willman–41378
Walter Glenn–44713
Anie Roche–50512

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,227 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/30/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,066

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with an antihistamine for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

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10/698,071	10/29/2003	1617	459	02486.0071.NPUS01	15	21	1

CONFIRMATION NO. 9181

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

CORRECTED FILING RECEIPT

OC000000013885806

Date Mailed: 09/24/2004

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Jeffrey W. Guise–34613
Michael Murphy–37404
F. T. Mahaney–37668
Um Ping Eng–39666
George Willman–41378
Walter Glenn–44713
Anie Roche–50512

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,263 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,071

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a tyrosine kinase inhibitor, delta opioid receptor antagonist, neurokinin receptor antagonist, or VCAM inhibitor for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,072	10/29/2003	1617	450	02486.0073.NPUS01	15	18	1

CONFIRMATION NO. 9179

CORRECTED FILING RECEIPT

OC000000013886672

Wilson Sonsini Goodrich & Rosati, PC
Attn: Albert P. Halluin
650 Page Mill Road
Palo Alto, CA 94304-1050

Date Mailed: 09/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,230 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,072

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a cromone for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,073	10/29/2003	1624	450	30775-723.201	19	18	1

CONFIRMATION NO. 9183

Attn: Albert P. Halluin
Wilson Sonsini Goodrich &Rosati, PC
650 Page Mill Road
Palo Alto, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000014229194

Date Mailed: 10/28/2004

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Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney:

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William West JR.–22057
Joseph Lavelle–31036
Chris Comuntzis–31097
Glenn Rhodes–31790
William Rooklidge–31791
Don Livornese–32040
Matthew C. Rainey–32291
Mark Dickson–32889
Duane Mathiowetz–33420

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,231 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 08/10/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/698,073

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with an anti-IgE antibody for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

540

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,076	10/29/2003	1617	450	02486.0066.NPUS01	15	18	1

CONFIRMATION NO. 9185

WILSON SONSINI GOODRICH & ROSATI, PC
ATTN: ALBERT P. HULLUIN
650 PAGE MILL ROAD
PALO ALTO, CA 94304

CORRECTED FILING RECEIPT

OC000000013886398

Date Mailed: 09/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,233 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,076

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a leukotriene receptor antagonist for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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10/698,077	10/29/2003	1617	450	02486.0067.NPUS01	15	18	1

CONFIRMATION NO. 9188

WILSON SONSINI GOODRICH & ROSATI, PC
ATTN: ALBERT P. HALLUIN
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000013886517

Date Mailed: 09/24/2004

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Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,229 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/06/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,077

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a PDE-4 inhibitor for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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10/698,078	10/29/2003	1617	450	02486.0065.NPUS01	15	18	1

CONFIRMATION NO. 9187

Wilson, Sonsini, Goodrich & Rosati, PC
Attn: Albert P. Halluin
650 Page Mill Road
Palo Alto, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000013886330

Date Mailed: 09/24/2004

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Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney:

Michael J. Panepucci--37203
Vicki Norton--40745
Kevin Shaw--43110
Scott Morris--43818
Shirley Chen--44608
Julie Holloway--44769
Aubrey Haddach--48374
Maya Skubatch--52505
Nicole Fortune--52905
Jeffery Bernhardt--54997

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,232 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,078

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a beta-agonist bronchodilator for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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10/698,079	10/29/2003	1617	450	02486.0068.NPUS01	15	18	1

CONFIRMATION NO. 9159

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

CORRECTED FILING RECEIPT

OC000000013886259

Date Mailed: 09/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **021971**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,226 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/06/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,079

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with an anticholinergic bronchodilator for treatment of asthma or chronic obstructive pulmonary disease

Preliminary Class

514

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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NOT GRANTED

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10/698,080	10/29/2003	1617	450	02486.0070.NPUS01	15	18	1

CONFIRMATION NO. 9176

Wilson, Sonsini Goodrich & Rosati, PC
Attn: Albert P. Halluin
650 Page Mill Road
Palo Alto, CA 94304-1050

CORRECTED FILING RECEIPT

OC000000013886302

Date Mailed: 09/24/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Cynthia B. Robinson, Wayne, PA;
Howard A. Ball, Kendall Park, NJ;

Power of Attorney: The patent practitioners associated with Customer Number **021971**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/492,228 07/31/2003

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/698,080

Projected Publication Date: 02/03/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Combination of dehydroepiandrosterone or dehydroepiandrosterone-sulfate with a lipoxygenase inhibitor for treatment of asthma or chronic obstructive pulmonary disease

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Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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AUG 25 2006

OFFICE OF PETITIONS

In re Patent No. 7,012,165	:	
Dolbier, et al.	:	
Issue Date: March 14, 2006	:	LETTER REGARDING PTA
Application No. 10/698,110	:	
Filed: October 31, 2003	:	
Attorney Docket No. UF-380	:	

This letter is in response to the "Communication" filed March 17, 2006. Patentees request that the initial determination of patent term adjustment under 35 U.S.C. § 154(b) be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of one hundred twenty (120) days.

On March 17, 2006, patentees submitted the instant comment. On March 14, 2006, the above-identified application matured into U.S. Patent no. 7,012,165, with a revised patent term adjustment of 229 days. Patentees state that the basis for the request for review of the patent term adjustment is that patentees are only entitled to 120 days of patent term adjustment.

A review of the application history confirms that an incorrect number of days were determined for USPTO delay. The Notice of Allowance and Issue Fee Due and Notice of Allowability were mailed on June 24, 2005. Further review of the record indicates that the PALM and PAIR records for this application indicates that a second Notice of Allowance was mailed on November 30, 2005, for which the PTO adjusted the patent term an additional 109 days. The application file does not reflect that another Notice of Allowance was mailed on November 30, 2005. It is concluded that the entry in PALM and PAIR of a Notice of Allowance, mailed

November 30, 2005, is incorrect. Accordingly, there was no basis for entry of a period of adjustment of 109 days for Office delay.

In view thereof, the patent should have issued with a revised Patent Term Adjustment of one hundred and twenty (120) days.

As this letter was submitted as an advisement to the Office of an error in the calculation of the Patent Term Adjustment, the Office will not asses the $200.00 application fee under 37 CFR 1.705(b). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

This application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred twenty (120)** days.

Telephone inquiries regarding this specific matter should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,012,165 B2

DATED : March 14, 2006

DRAFT

INVENTOR(S) : Dolbier, Jr. et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (229) days

Delete the phrase "by 229 days" and insert – by 120 days--

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,114	10/31/2003	3731	950	P-11256.00US	6	30	2

CONFIRMATION NO. 8920

CORRECTED FILING RECEIPT

OC000000017885249

27581
MEDTRONIC, INC.
710 MEDTRONIC PARK
MINNEAPOLIS, MN 55432-9924

Date Mailed: 01/20/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Rob Ellins, Euless, TX;
Christian Fleury, Residence Not Provided;

Assignment For Published Patent Application

Medtronic, Inc., Minneapolis, MN

Power of Attorney: The patent practitioners associated with Customer Number **27581**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/698,114

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Using thinner laminations to reduce operating temperature in a high speed hand-held surgical power tool

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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BANGER ET AL.
Appl No.: 10/698,118
Filed: October 31, 2003

DECISION GRANTING PETITION
37 CFR 1.84

This is a decision on the petition filed April 15, 2005 to accept color photographs under 37 CFR 1.84.
It is noted that the petition included:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(iii) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing; and

(iv) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color.
The petition is granted.

James O. Wilson
Supervisory Patent Examiner
Art Unit 1623
Technology Center

June 14, 2005

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BANGER ET AL.
Appl No.: 10/698,118
Filed: October 31, 2003

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37 CFR 1.84

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It is noted that the petition included:

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(iv) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color.
The petition is granted.

James O. Wilson
Supervisory Patent Examiner
Art Unit 1623
Technology Center

June 14, 2005

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Mail Date: 04/20/2010

Applicant	: Martin T. Gerber	: DECISION ON REQUEST FOR
Patent Number	: 7585271	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,131	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/01/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **891** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106 LEGAL
MILPITAS CA 95035

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OFFICE OF PETITIONS

In re Application of
Mirabedini, Sun, and Aronowitz
Application No.: 10/698,167
Filed: October 30, 2003
Attorney Docket No: 02-6352/LSI1P220
For: CALCIUM DOPED POLYSILICON GATE ELECTRODES

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed October 30, 2003.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on October 30, 2003, and was accompanied by the instant petition under 37 CFR 1.47(a), along with other application papers. Petitioner has shown that inventor Aronowitz has refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The address as cited on the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address as cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

Deposit account 12-2252 will be charged $130.00 for the instant petition fee.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
James E. Austin
Beyer Weaver & Thomas, LLP
PO Box 778
Berkeley, CA 94704-0778

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LSI Logic Corporation
1551 McCarthy Boulevard
Milpitas, CA 95035

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OFFICE OF PETITIONS

In re Application of :
Aronowitz, Zubkov, and Sun :
Application No.: 10/698,169 : DECISION ACCORDING
Filed: October 31, 2003 : RULE 47(a) STATUS
Attorney Docket No:02-6037/LSI1P218 :
For: **MEMORY DEVICE HAVING AN ELECTRON TRAPPING LAYER IN A HIGH-DIELECTRIC GATE STACK**

This is in response to the petition under 37 CFR 1.47(a), filed October 31, 2003, and in duplicate on September 7, 2005.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on October 31, 2003, with a declaration executed by only two of the three named joint inventors, and the petition under 37 CFR 1.47(a). Petitioner has shown that inventor Aronowitz has refused to join the prosecution of the application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The fee for the instant petition on the date it was first filed was $130.00. Deposit account 12-2252 will be charged an additional $130.00, accordingly.

This application will be directed to the Office of Patent Publications for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

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APR 19 2004

OFFICE OF PETITIONS

In re Application of
Sibiet, Krishnan, Najim, and Hache
Application No. 10/698,183
Filed: October 31, 2003
Attorney Docket No. A01460
For: METHOD FOR BRIGHTENING VIRGIN MECHANICAL PULP

: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed March 4, 2004.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on October 31, 2003, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on February 4, 2004, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), the statement as to the alleged refusal of inventor Hache to join the application is not acceptable because it is offered by a person who lacks first-hand knowledge of the refusal. Section 409.03(d) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that:

> [w]here a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

The statement relative to inventor Hache's alleged constructive refusal to join application is authored by Mr. Kenneth Crimaldi, but the application papers were sent to Mr. Hache by Ms. Knauth. Further, according to the petition, Ms. Knauth was the person to whom Mr. Hache made all of his, apparently, evasive statements. In order for a statement relative to Mr. Hache's alleged constructive refusal to join the prosecution of the application, the statement must come from Ms. Knauth. A statement offered by Ms. Knauth should accompany any renewed petition filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents,
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Rohm and Haas Company
Patent Department
100 Independence Mall West
Philadelphia, PA 19106-2399

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MAY 14 2004

OFFICE OF PETITIONS

In re Application of :
Sibiet, Krishnan, Najim, and Hache :
Application No.: 10/698,183 : DECISION ACCORDING
Filed: October 31, 2003 : RULE 47(a) STATUS
Attorney Docket No: A01460 :
For: METHOD FOR BRIGHTENING VIRGIN :
MECHANICAL PULP

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 28, 2004.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on October 31, 2003, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 4, 2004, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. On March 4, 2004, a petition under 37 CFR 1.47 was filed, but dismissed by a decision mailed April 19, 2004. The instant renewed petition was filed on April 28, 2004.

Petitioner has shown that inventor Hache has constructively refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Maurice J.A. Hache
262 Beacon Street
Andover, MA 01810

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MAY 1 4 2004

OFFICE OF PETITIONS

In re Application of
Sibiet, Krishnan, Najim, and Hache :
Application No. 10/698,183 :
Filed: October 31, 2003 : LETTER
Attorney Docket Number: A01460 :
For: METHOD FOR BRIGHTENING VIRGIN MECHNICAL PULP

Dear Mr. Hache:

You are named as a joint inventor in the above-identified United States reissue patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. It should be further noted that any assignee of record of the entire interest in the application may request that the inventor(s) be excluded from access to the application. If the request is granted, you will be informed of that fact and will only be permitted to inspect the application on sufficient showing of why such inspection is necessary to conserve your rights. See *MPEP* 106, citing, *In re The Kellog Switchboard & Supply Company*, 1906 C.D. 274 (Comm'r Pat. 1906).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Rohm and Haas Company
Patent Department
100 Independence Mall West
Philadelphia, PA 19106-2399

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IBM Corporation
Intellectual Property Law Dept.
9CCA/B002
P.O. Box 12195
Tri. Park, NC 27709

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MAY 17 2004

OFFICE OF PETITIONS

In re Application of :
Chu, et al. :
Filed: October 31, 2003 : ON PETITION
Application No. 10/698,208 :
Atty. Dkt. No.: RPS920030114US2 :

This decision is in response to the "Petition and Fee Under 37 CFR § 1.53(e)(2) Regarding Notice of Omitted Item", filed April 5, 2004. This response is being treated as a petition for withdrawal of Notice and accordance of a filing date of October 31, 2003.

The application was filed October 31, 2003. The Notice to File Missing Parts of Nonprovisional Application mailed February 3, 2004 by the Office of Initial Patent Examination indicated that the application had been accorded a filing date but that Figure 4 described in the specification appeared to have been omitted from the application as filed.

In response, the present petition was filed wherein petitioner argues that the application as deposited included five sheets of drawings, including Fig. 4. Petitioners have included as proof of mailing and proof of receipt of the figure in question a return postcard date stamped by the Office on October 31, 2003. A copy of Fig. 4 purportedly filed with the application on December 31, 2003 was also supplied.

The original Fig. 4 has not been located. However, in view of the evidence presented, the petition for withdrawal of the Notice and accordance of a filing date of October 31, 2003 is GRANTED.

Since the original drawing sheet containing Fig. 4 cannot be located in the Office, the copy of Fig. 4 supplied with the instant petition will be used for examination purposes.

BEST AVAILABLE COPY

No petition fee is due in connection with this matter and no petition fee has been charged to petitioners' deposit account.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 31, 2003.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUN MICROSYSTEMS, INC.
C/O DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

COPY MAILED

JUL 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Sunay TRIPATHI :
Application No. 10/698,211 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. 20910/0206099-US0 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by John W. Branch on behalf of all the attorneys/agents associated with Customer Number 62663.

All attorneys/agents associated with Customer Number 62663 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SUN MICROSYSTEMS, INC.
4120 NETWORK CIRCLE
SANTA CLARA, CA 95054

OSHA LIANG L.L.P./SUN
1221 MCKINNEY, SUITE 2800
HOUSTON, TX 77010

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of :
Adachi et al. :
Application No. 10/698,233 : DECISION GRANTING PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10020/18103 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 3, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is

entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 1774 for appropriate action on the amendment filed March 3, 2006, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Liana Chase
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,233	10/31/2003	1774	806	10020/18103	10	22	2

CONFIRMATION NO. 2304

26646
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

CORRECTED FILING RECEIPT

OC000000018673831

OC000000018673831

Date Mailed: 05/03/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Chihaya Adachi, East Windsor, NJ;
Marc A. Baldo, Princeton, NJ;
Stephen R. Forrest, Princeton, NJ;

Power of Attorney:

Stuart Sinder--25377
Patrick Birde--29770
Thomas Meagher--29831
Kristina Castellano--41092
Julie Stein--43158

Domestic Priority data as claimed by applicant

This application is a CON of 09/629,335 08/01/2000 PAT 6,645,645
which claims benefit of 60/207,330 05/30/2000
This application 10/698,233
is a CIP of 09/883,734 06/18/2001 PAT 6,830,828
which is a CIP of 09/311,126 05/13/1999 ABN
and is a CIP of 09/452,346 12/01/1999 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/13/2004

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is US10/698,233

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Phosphorescent organic light emitting devices

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 05/05/2010

Applicant	: Kevin P. Corbalis	: DECISION ON REQUEST FOR
Patent Number	: 7618345	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/698,236	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1367** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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P.O. BOX 941385
PLANO TX 75094

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APR 25 2005

OFFICE OF PETITIONS

In re Application of :
Kuntal Chowdhury et al :
Application No. 10/698,245 : DECISION GRANTING PETITION
Filed: October 30, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 16149RR :

This is a decision on the petition under 37 CFR 1.137(b), filed December 23, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a declaration and fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice To File Missing Parts Of Nonprovisional Application of January 30, 2004, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,246	10/31/2003	2188	1496	5646-117	3	46	6

CONFIRMATION NO. 2284

Grant J. Scott
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627

CORRECTED FILING RECEIPT

OC000000013103734

Date Mailed: 06/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Harmeet Bhugra, San Jose, CA;
Michael Miller, Saratoga, CA;
John R. Mick JR., Sunnyvale, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/31/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Cam-based search engines and packet coprocessors having results status signaling for completed contexts

Preliminary Class

711

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OFFICE OF PETITIONS

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

In re Patent No. 6,874,363
Issue Date: April 5, 2005
Application No. 10/698,254
Filed: October 31, 2003
Attorney Docket No. H0003728

ON PETITION

This is a decision on the petition filed May 27, 2005, requesting withdrawal of the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

A petition under 37 CFR 1.313 must be received and granted by an appropriate official in the Office of Petitions within sufficient time to avert issuance of an application into a patent. The above application issued into Patent No. 6,874,363 on April 5, 2005. The above petition was submitted on May 27, 2005, which is after issuance of the patent. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. Withdrawal of an application from issue after payment of the issue fee may not be effective to avoid publication of application information.

Petitioner may request a refund of the petition fee and the request for continued examination fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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ROBERTS, MLOTKOWSKI & HOBBES
P. O. BOX 10064
MCLEAN VA 22102-8064

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OFFICE OF PETITIONS

In re Application of

CHENG, William W. et al.
Application No. 10/698,257
Filed: October 30, 2003
Attorney Docket No. **03T004**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed January 15, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Carlos R. Villamar does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **CARLOS R. VILLAMAR**
ROBERTS MLOTKOWSKI & HOBBE, P.C.
7918 JONES BRANCH DRIVE, SUITE 500
MCLEAN, VA 22102

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ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

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OFFICE OF PETITIONS

In re Application of	:	
Karen J. Smiley et al	:	
Application No. 10/698,276	:	DECISION ON PETITION
Filed: October 31, 2003	:	TO WITHDRAW
Attorney Docket No. ABDT-0578/B030100	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 6, 2006.

The petition is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steven B. Samuels on behalf of all attorneys/agents of record who are associated with customer No. 23377.

All attorneys/agents associated with customer No. 2337 have been withdrawn.

Applicants are reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named inventor at the first copies address below until otherwise properly notified by the applicants.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

This application is being referred to Technology Center AU 2857.

David Bucci
Petitions Examiner
Office of Petitions

cc: KAREN J. SMILEY
4515 JOHNS COURT
BENSON, NC 27504

LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

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ALLISON JOHNSON, P.A.
LAKE CALHOUN EXECUTIVE CENTER
3033 EXCELSIOR BLVD., SUITE 467
MINNEAPOLIS, MN 55416

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OFFICE OF PETITIONS

In re Application of	:	
Frederick B. BOOS, et al	:	
Application No. 10/698,289	:	DECISION ON PETITION
Filed: January 24, 2007	:	TO WITHDRAW
Attorney Docket No. 54,578		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 18, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer Number 27791, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SENSOR TECHNOLOGIES LLC
910 BOSTON TURNPIKE
SHREWSBURY, MA 01545

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OCT 31 2008

OFFICE OF PETITIONS

ALLISON JOHNSON, P.A.
LAKE CALHOUN EXECUTIVE CENTER
3033 EXCELSIOR BLVD., SUITE 467
MINNEAPOLIS, MN 55416

In re Application of :
David E. WOLF :
Application No. 10/698,289 :
Filed: October 31, 2003 :
Attorney Docket No. 205-011US2 :

CORRECTED
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 18, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because the attorneys of record were not appointed by Customer Number 27791, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SENSOR TECHNOLOGIES LLC
910 BOSTON TURNPIKE
SHREWSBURY, MA 01545

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLISON JOHNSON, P.A.
LAKE CALHOUN EXECUTIVE CENTER
3033 EXCELSIOR BLVD., SUITE 467
MINNEAPOLIS, MN 55416

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of :
David E. WOLF :
Application No. 10/698,289 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. 205-011US2 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 6, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Allison Johnson the sole attorney of record.

Allison Johnson has been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must

have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: DAVID E. WOLF, PH.D
285 CONCORD ROAD
SUDBURY, MA 01776

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SEP 12 2008

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO CA 92101

In re Application of	:	
Christian Saint Andre	:	
Application No.: 10/698295	:	ON PETITION
Filing or 371(c) Date: 10/31/2003	:	
Attorney Docket Number:	:	
ANDRE01UTL	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed July 10, 2008

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed September 21, 2004. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on December 22, 2005. A Notice of Abandonment was mailed April 25, 2005.

Applicant files the present petition and includes an Amendment in response to the Office action. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 3764 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B STREET
SUITE 2100
SAN DIEGO, CA 92101

Mail Date: 04/20/2010

Applicant	: Christian Saint Andre	: DECISION ON REQUEST FOR
Patent Number	: 7648447	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,295	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1176** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOOD, HERRON & EVANS, LLP (NORDSON)
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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JUN 29 2006

OFFICE OF PETITIONS

In re Application of :
John M. Raterman et al :
Application No. 10/698,312 : DECISION ON PETITION
Filed:October 31, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NOR-1127 :

This is a decision on the petition, filed August 24, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**, *nunc pro tunc*.

It is noted that, although the petition to withdraw from issue had not been acted upon by the appropriate deciding official of the U.S. Patent and Trademark Office, the Technology Center processed the request for continued examination (RCE) under 37 CFR 1.114 and subsequently issued a new Notice of Allowance and Fee(s) Due and Notice of Allowability on December 28, 2005. Where an issue fee has been paid and an RCE is subsequently filed, the RCE is not a proper filing unless a petition to withdraw from issue has been granted. Therefore, the examiner was without authority to act further in the case absent a grantable petition withdrawing the application from issue. Nevertheless, in view of this decision on petition, the RCE is now considered a proper filing and the actions of the examiner taken thereafter are hereby ratified.

The issue fee in reply to the second Notice of Allowance and Fee(s) Due mailed December 28, 2005 was received on March 9, 2006. Accordingly, this matter is being referred to Publishing Division for taking such further action as the nature of the case requires.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA SC 29201

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OFFICE OF PETITIONS

In re Application of	:	
Todd L. Phillips	:	DECISION ON PETITION
Application No. 10/698,330	:	
Filed: 31 October, 2003	:	
Atty Docket No. 15911/09063	:	

This is a decision on the petition, filed on 5 July, 2005, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of foreign application(s) filed on 15 and 20 October, 2004. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

A projected publication date will be assigned in due course. Petitioner will be notified of this date in a separate correspondence.

The application is being referred to Technology Center 2800 for examination in due course.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor MI 48105

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MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Rawson
Application No. 10/698,354
Filed: October 31, 2003
Attorney Docket No. PC25373A
For: THERAPEUTIC PROLINE DERIVATIVES

: DECISION GRANTING
: PETITION

This is a decision on the petition filed January 28, 2004 entitled, "PETITION TO CORRECT FILING DATE AS "DATE-IN" UNDER 37 CFR 1.10(c)" The petition will be treated under 37 CFR 1.10(d), as a request to accord the above-identified application a filing date of October 30, 2003, rather than the presently accorded filing date of October 31, 2003.

Petitioner requests the earlier filing date on the basis that the application was deposited in Express Mail service on October 30, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a United States Postal Service (USPS) sales receipt showing that Express Mail label no. EK651606192US was purchased on October 30, 2003. The same Express Mail label number is found on the original Transmittal Letter. In addition, the USPS Track and Confirm record for Express Mail label no. EK651606192US shows that the package was accepted by the USPS on October 30, 2003. The date-in on the Express Mail label in question is 10/31/03.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed January 28, 2004, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is **GRANTED**. No petition fee has been or will be charged in connection with this matter.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **October 30, 2003** and the mailing of a corrected filing receipt.

Thereafter, the application will be forwarded to Technology Center Art Unit 1614 for examination in due course.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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PFIZER INC.
PATENT DEPARTMENT
Bld 114 M/S 114
EASTERN POINT ROAD
GROTON, CT 06340

Mail Date: 04/20/2010

Applicant	: David James Rawson	: DECISION ON REQUEST FOR
Patent Number	: 7659305	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,354	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/30/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1384** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW 2-041
AUSTRALIA

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Silverbrook :
Application No. 10/698,374 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. YU190US :
For: INK JET WITH NARROW CHAMBER

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 31, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

The merits of the petition will not be addressed because it is not signed by a proper party. **No one** has signed the petition.

In addition, petitioner is reminded that USPTO correspondence should be identified by application number, filing date, first named inventor, attorney docket number, Art Unit, and title of invention. This petition contains no identifiers. Including identifiers on correspondence ensures that the correspondence is matched with the proper application file.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed **signed** petition under 37 CFR § 1.78(a)(3) is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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393 DARLING STREET
BALMAIN 2041 AU
AUSTRALIA

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OFFICE OF PETITIONS

In re Application of Silverbrook :
Application No. 10/698,374 : DECISION ON PETITION
Filing Date: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. YU190US :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 25, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent in due course.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/698,374	11/03/2003	2853	1070	YU190US	16	1

CONFIRMATION NO. 1139
CORRECTED FILING RECEIPT
OC000000022769530
OC000000022769530

24011
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Date Mailed: 03/06/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kia Silverbrook, Balmain, AUSTRALIA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 10/160,273 06/04/2002 PAT 6,746,105
which is a CON of 09/112,767 07/10/1998 PAT 6,416,167

Foreign Applications

AUSTRALIA PP2592 03/25/1998
AUSTRALIA PO7991 07/15/1997
AUSTRALIA PO2592 03/25/1998

If Required, Foreign Filing License Granted: 01/31/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/698,374

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

INK JET WITH NARROW CHAMBER

Preliminary Class

347

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15 (b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 04/20/2010

Applicant	: Yasuomi Ooki	: DECISION ON REQUEST FOR
Patent Number	: 7599692	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,376	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **808** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 23, 2007

TO SPE OF : ART UNIT 3732

SUBJECT : Request for Certificate of Correction for Appl. No. 10/698414 patent no.7204256

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Chris Rodrigues — SPE

3732 — Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

4-27-06

In re Application of: Jung-Keun Ahn et al.	:	wk
Serial Number: 10/698,433	:	DECISION
Filed: November 03, 2003	:	ON
For: PLASMA DISPLAY PANEL	:	PETITION

This is a decision on Applicants' Petition filed November 3, 2005 under 37 CFR 1.181 to withdraw the objection on Figures 1 and 2 to be labeled as "Prior Art" with respect to the Examiner's action dated October 18, 2005, Paper No. 10142005.

Applicants on November 3, 2005 filed drawings of figures 1 and 2 labeled as prior art.

The Petition is **DISMISSED**.

Marian Knode, Director
Technology Center 1700
Chemical and Materials Engineering

Robert E. Bushnell
1522 "K" Street, N.W.,
Suite 300
Washington, D.C. 20005

11 FEB 2004
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Malcolm K. McGowan, Ph. D.
Burns, Doane, Swecker, & Mathis, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

In re Application of :
FRANKE et al. :
Application No.: 10/698,439 :
Filing Date: 03 November 2003 : DECISION ON
Attorney Docket No.: 016921-167 :
For: NEW INTERGENIC AND INTRAGENIC INTEGRATION SITES FOR FOREIGN GENE EXPRESSION IN RECOMBINANT S. GORDINI STRAINS : PETITION UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 03 November 2003 is **GRANTED**.

BACKGROUND

On 22 February 2001, applicant filed international application number PCT/US01/05493, claiming priority of an earlier U.S. application 60/184,645, filed on 24 February 2000. A demand was filed electing the United States of America on 21 September 2001. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on Monday, 26 August 2002, with the result that the international application became abandoned as to the United States of America on that date.

On 03 November 2003, the present petition was submitted with a petition fee of $1330.00.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With regard to item (1), the petition includes a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

With regard to item (2), the filing of the present continuation-in-part application under 35 U.S.C. 111 is accepted as the appropriate response under 37 CFR 1.137(b)(2). See MPEP 711.03(c).

With regard to item (3), applicants have furnished the petition fee of $1330.00.

With regard to item (4), a terminal disclaimer is not required as application was filed after 08 June 1995.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED**. International application PCT/US01/05493 is being revived for the purposes of continuity only. Since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuation-in-part application having Serial Number 10/698,439.

Michael La Villa
Detailee
Office of PCT Legal Administration

Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard E. Smith
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (703) 308-6461
Facsimile: (703) 308-6459

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

MATTINGLY, STANGER, & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

In re Application of: Soejima, et al.
Application No. 10/698,453
Filed: November 3, 2003
For: DATA PROCESSING METHOD WITH RESTRICTED DATA ARRANGEMENT, STORAGE AREA MANAGEMENT METHOD, AND DATA PROCESSING SYSTEM

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VIII)

This is a response to the petition filed November 18, 2004, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in **37 CFR 1.17(h)**;

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed November 18, 2004 fails to adequately meet requirements (d) and (e) of the criteria set forth above.

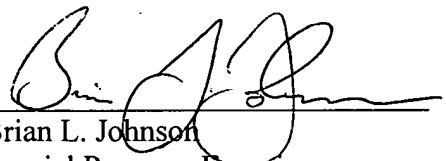
With respect to requirement (d), whereas only the references deemed most closely related to the subject matter encompassed by the claims need to be listed and discussed, the petition improperly provides a comprehensive list of the references produced by the search report.

Furthermore, with respect to requirement (e), a complete detailed discussion of the (aforementioned most closely related) references has not been provided with the necessary specificity required under 37 CFR 1.111 (b) and (c). Specifically, Petitioner should ensure that the above discussion is directed to how the language of **each of the independent claims** are specifically distinguishable and patentable from the references provided in requirement (d) above. It is noted that the independent claims 1 and 11 differs in scope from the discussion presented in the petition with respect to independent claims 19 and 21, specifically regarding the secured process of copying data from a source to a destination based on defining range information for the data and a possible data arrangement range for the destination storage.

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted by a declaration or statement providing the information as outlined above.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

SDL: 03/04/05

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of: Soejima, et al.
Application No. 10/698,453
Filed: 3 November 2003
For: DATA PROCESSING METHOD WITH RESTRICTED DATA ARRANGEMENT, STORAGE AREA MANAGEMENT METHOD, AND DATA PROCESSING SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the Request for Reconsideration filed 5 May 2005 on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, originally filed on 18 November 2004, and dismissed in the decision mailed 9 March 2005.

The Petition is **GRANTED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;

(c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

Petition to Make Special **GRANTED** since all of the requirements for special status under MPEP § 708.02(VIII) have been met.

The application file is being forwarded to the Examiner for accelerated examination in accordance with the procedures set forth in M.P.E.P. §708.02, Section VIII. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Brian L. Johnson 7/15/05
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

GO

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OFFICE OF PETITIONS

In re Application of :
Steven W. Trovinger, et al. :
Application No. 10/698,499 : DECISION ON PETITION
Filed: October 30, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10991471-12 :

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed September 22, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/162,844, as set forth in the Amendment filed concurrently with the instant petition.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on October 30, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an Amendment, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this decision on petition may be directed to Retta Williams at (703) 306-5594.

This matter is being referred to Technology Center Art Unit 3651 for appropriate action on the amendment filed September 22, 2004, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FORT COLLINS, CO 80527-2400

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MAR 17 2005

OFFICE OF PETITIONS

In re Application of
Steven W. Trovinger et al
Application No. 10/698,504
Filed: October 30, 2003
Attorney Docket No. 10991471-13

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 16, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/162,844, filed September 29, 1998, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant application was filed on October 30, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration

of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center Art Unit 3651 for appropriate action on the amendment filed July 16, 2004, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : July 30, 2009

TO SPE OF : ART UNIT 1654
SUBJECT : Request for Certificate of Correction for Appl. No.: 10/698510/7208572
Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☒ **Denied**	State the reasons for denial below.

Comments: There was no claim 32 in the application and this is not correct any reasons.

Claudia Tsang
SPE

1654
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed :June 25, 2010
Serial No. : 10/698510
Patent No. :7,208,572 B2
Patent Issued :April 24, 2007
Inventor(s) :Patricia Grasso :
Title :LEPTIN-RELATED PEPTIDES

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged errors noted in your request, there was no claim 32 in the application and this I not correcting any error.

In view of the foregoing, your request is hereby denied.

Further consideration will be given upon receipt of a Request for Reconsideration, which should be directed to Decisions and Certificate of Correction Branch. Requests for Reconsideration should be accompanied by additional support (e.g. copy of amendments, post card receipts. PTOL 1449 or 892, etc.), containing requested data or changes) and/or brief statements of facts, as requested

Magdalene Talley
For Mary Francis Diggs, Supervisor
Decisions and Certificate
Of Correction Branch
(571)272-0423 Feb

Ivor R. Elrifi
Mintz Levin
One Financial Ctr.
Boston, MA 02111

MD/mt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-2-10

TO SPE OF : ART UNIT 2861

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/698571 Patent No.: 7665824

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should Cofc be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ennis Young LTE
Randolph Sq. Ste 9D62A
703-756-1542

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

The Request for Certificate of Correction filed on May 24, 2010 has been approved.

SPE MATTHEW LUU ART UNIT 2861

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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John B. Hardaway, III
NEXSEN PRUET JACOBS & POLLARD, LLC
P.O. Box 10107
Greenville, SC 29603

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APR 15 2004

OFFICE OF PETITIONS

In re Application of :
Richard Calvin Mintz :
Application No. 10/698,538 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No.: 25165-03 :

This is a decision on the petition filed March 1, 2004, titled "Petition to Afford a Filing Date Under 37 CFR 1.10 and response to Notice of Omitted Item(s) in a Nonprovisional Application filed under 37 CFR 1.53(b)." Petitioner is advised that the petition will be treated under 37 CFR 1.182 as a request to vacate the Notice of Omitted Items mailed February 4, 2004, in the above-cited application.

The petition is **dismissed**.

On October 31, 2003, the above-identified application was filed. However, on February 4, 2004, the Office of Initial Patent Examination mailed a "Notice to of Omitted Items in Nonprovisional Application," stating that application had been accorded a filing date of October 31, 2003, and advising applicant that Figures 1a-b as described in the specification appeared to have been omitted. The notice allowed a two month period for reply.

In response, on March 1, 2004, applicant filed the present petition. Petitioner explains that Figures 1a-b were not missing, rather that the specification contained a typographical error in mentioning the subject figures. Applicant filed a preliminary amendment with the instant petition in an effort to correct the error.

Because the specification described Figures 1a-b and those figures were not found among the drawings, the Office of Initial Patent Examination correctly issued the Notice of Omitted Items in Nonprovisional Application and the notice will not be vacated. The original disclosure of the application will consists of those papers received on October 31, 2003.

Deposit account 08-0719 will be charged $130.00 for the instant petition fee.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 31, 2003.

Thereafter, the application will be forwarded to the appropriate group art unit for consideration by the examiner of the preliminary amendment filed March 1, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Matthew R. Jenkins
JACOX, MECKSTROTH & JENKINS
Suite 2
2310 Far Hills Building
Dayton OH 45419-1575

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APR 21 2004

OFFICE OF PETITIONS

In re Application of
Gallagher, et al.
Application No. 10/698,567
Filed: October 31, 2003
Attorney Docket No. VAL 176 P2
For: ELECTRIC POWER STEERING SYSTEM FOR A VEHICLE

: DECISION GRANTING
: PETITION

This is a decision on the petition filed March 4, 2004 requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 4, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 31, 2003. On February 4, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 19, 20, and 34 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figures 19, 20, and 34 be accorded a filing date of October 31, 2003 on the basis that 23 sheets of drawing figures, including Figures 19, 20, and 34, were received in the Patent and Trademark Office (PTO) on October 31, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 31, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 23 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 23 sheets of drawing figures were filed on October 31, 2003. MPEP 503. A review of the originally filed sheets of drawings reveals that only 22 sheets are present. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $130.00 fee submitted with the instant petition will be credited to deposit account no. 50-1287.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of October 31, 2003, using the 23 sheets of replacement drawings submitted with the instant petition. Office records will be corrected to show that 23 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

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NOV 18 2004

OFFICE OF PETITIONS

In re Application of :
Hans-Ueli Roeck. :
Application No. 10/698,570 : ON PETITION
Filed: October 13, 2002 :
Atty Docket No. 32888US2 :

This is a decision on the petition, filed November 16, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 22, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3662 for further processing of the request for continued examination under 37 CFR 1.114 filed November 16, 2004.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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JUN 23 2008

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of :

YADAV, Tapesh :
Application No. 10/698,577 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. **037768-0159** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 05, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Stephen B. Maebius on behalf of all attorneys of record who are associated with customer No. 22428. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There is an outstanding Office action mailed April 17, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **TAPESH YADAV**
8724 SKYLAND DR.
LONGMONT, CO 80503

cc: **MS. DIANE MEYERS**
PPG, INC.
ONE PPG PLACE
39TH FLOOR
PITTSBURGH, PA 15272

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

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APR 20 2006

OFFICE OF PETITIONS

In re Application of :
Yuichi Iikubo, et al. :
Application No. 10/698,579 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No.: PC3-058 :

This is a decision on the petition, filed April 11, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 19, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1621 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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02/17/04

Beverly E. Hjorth
Weingarten, Schurgin, Gagnebin & Lebovivi LLP
Ten Post Office Square
Boston MA 02109

Dear Applicant:

The Box PGPub replacement drawings for application number 10/698580 received on 12/29/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication, at 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,606	10/30/2003	2661	964	200313378-1	8	26	4

CONFIRMATION NO. 9857

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

CORRECTED FILING RECEIPT

OC000000012313022

Date Mailed: 04/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Sumit Roy, Menlo Park, CA;
Michele Covell, Palo Alto, CA;
Susie Wee, Palo Alto, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/03/2004

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Methods and devices for reducing total bandwidth when streaming multiple media streams

Preliminary Class

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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OCT 26 2005

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

In re Patent No. 7,032,854
Issue Date: April 25, 2006
Appl No.: 10/698,613
Filed: October 31, 2003
For: CORD SHORTENER

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed July 13, 2006. to correct inventorship under 37 CFR 1.324.

The petition is GRANTED.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Katherine Matecki
Supervisory Patent Examiner
Art Unit 3654
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 14507032854
Alexandria, VA 22313-1450
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DATE: October 26, 2006
TO: Certificates of Correction Branch
FROM: Katherine Matecki
SPE, Art Unit 3654
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,032,854 as specified on the attached Certificate.

Katherine Matecki

Katherine Matecki, SPE
Art Unit 3654

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,032,854
Patented: April 25, 2006

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Andrews W. Marsden and Trung Q. Phung

Katherine Matecki
Supervisory Patent Examiner
Art Unit 3654

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JOHN S. BEULICK
C/O ARMSTRONG TEASDALE, LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST LOUIS, MO 63102-2740

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APR 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Bernard James Renggli et al :
Application No. 10/698,615 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 132442

This is a decision on the petition, filed March 31, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 21, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter will be forwarded to Technology Center AU 3746 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Fusao Ishii
350 Sharon Park Drive, G26
Menlo Park, CA 94025

In re Application of :
Fusao Ishii :
Application No. 10/698,620 :
Filed: November 1, 2003 :
Title of Invention: :
ELECTROMECHANICAL MICROMIRROR :
DEVICES AND METHODS OF :
MANUFACTURING THE SAME :

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OFFICE OF PETITIONS

This is a decision in response to the petition under 37 CFR 1.137(b), filed September 30, 2005, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Fee Deficiency ("Notice"), mailed February 11, 2005. The Office action set a shortened statutory reply period of one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned on August 12, 2005. A Notice of Abandonment was mailed September 19, 2005.

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). Additional claims fee in response to the February 11, 2005 Notice is filed with the instant petition. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2873 for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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OFFICE OF PETITIONS

In re Application of	:	
Ralph M. Ellison et al	:	
Application No. 10/698,625	:	DECISION ON PETITION
Filed: November 3, 2003	:	TO WITHDRAW
Attorney Docket No. CP380E	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 1, 2005.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Stephen A. Bent, along with the other attorneys associated with the law firm of Foley & Lardner LLP has been revoked by the assignee of the patent application on November 1, 2005. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant/assignee or the current attorneys of record.

Telephone inquires concerning this decision should be directed to Karen Creasy at 571-272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

cc:

CEPHALON, INC
41 MOORES ROAD
PO BOX 4011
FRAZER PA 19355

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JAN 21 2005

OFFICE OF THE DIRECTOR
TC 3600

Remy J. VanOphem
VANOPHEM & VANOPHEM, PC
51543 Van Dyke Ave.
Shelby Township, MI 48316-4117

In re application of : **DECISION ON PETITION**
Steven Louis Eaton et al. : **TO MAKE SPECIAL**
Application No. 10/698,648 : **(INFRINGEMENT)**
Filed: October 31, 2003 :
For: AUTOMATED REALTY TRANSFER

This is a decision on the petition under 37 C.F.R. § 1.102(d) filed November 3, 2004 to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed November 3, 2004, meets all of the requirements above and is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications; (2) to promptly examine this application out of turn; and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference and appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office

action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/jwk: 1/11/05

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Charles v. Burton, MD :
Application No. 10/698,650 : DECISION ON PETITION
Filed: October 31, 2006 : TO WITHDRAW
Attorney Docket No. 2075.001US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 2, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Ann M. McCracklin on behalf of all attorneys of record who are associated with customer No. 21186.

All attorneys/agents associated with the Customer Number 21186 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

There are no pending office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: CHARLES V. BURTON
148 WEST LAKE STREET
EXCELSIOR, MN 55331

cc: WOOD HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202-2917

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/698,650	10/31/2003	Charles V. Burton	22307-12

CONFIRMATION NO. 3753

OC000000021848762

OC000000021848762

21186
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 01/05/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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IRVINE, CA 92618

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OFFICE OF PETITIONS

In re Application of :
Dai Inoue et al. :
Application No. 10/698,657 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. JCLA7503-D :

This is a decision on the petition filed April 21, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned December 2, 2005 for failure to timely pay the issue fee on or before December 1, 2005. Accordingly, a Notice of Abandonment was mailed May 6, 2006, subsequent to the filing of the instant petition.

The issue fee, publication fee and petition fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

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OCT 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Ledingham, Penny, Zak, Zanin, and :
Aikins : DECISION REFUSING STATUS
Application No. 10/698,668 : UNDER 37 CFR 1.47(a)
Filed: 31 October, 2003 :
Attorney Docket No. 06486.P003 :

This is in response to the petition filed under 37 CFR 1.47(a) on 7 September, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 31 October, 2003, without an executed oath or declaration.

Accordingly, on 2 February, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on 7 September, 2004 (certificate of mailing date 2 September, 2004), petitioners filed a five (5) month extension of time, the late-filing surcharge, and a declaration naming Robert

Ledingham, Keith Penny, Roman Zak, Jaff Zanin, and Howard Aikins as joint inventors and signed by all inventors except joint inventors Zak and Zanin on behalf of themselves and non-signing joint inventors Zak and Zanin.

Petitioners assert that joint inventor Penny attempted to secure the signatures of the non-signing inventors but was unable to do so.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

In regards to item (1), petitioners have not provided proof that Zak and Zanin were ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[1] In order for a Rule 47 petition to be granted, the inventors must be afforded an opportunity to review the application.[2] Therefore, petitioners should sent a copy of the application papers to Zak and Zanin's last known addresses. Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

---

[1] MPEP 409.03(d).

[2] See In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). The application papers must be sent or given to the non-signing inventor unless he or she refuses to accept delivery of the papers.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Receipt is also acknowledged of petitioners' request for a corrected filing receipt filed on 7 September, 2004. A review of Office records reveals that the requested correction has been made. A corrected filing receipt is enclosed for petitioners' records.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
OIW 01-05

JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

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JAN 10 2005

OFFICE OF PETITIONS

In re Application of	:	
Ledingham, Penny, Zak, Zanin, and	:	
Aikins	:	DECISION ACCORDING STATUS
Application No. 10/698,668	:	UNDER 37 CFR 1.47(a)
Filed: 31 October, 2003	:	
Attorney Docket No. 06486.P003	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 12 November, 2004.

The petition is **GRANTED**.

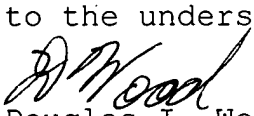
Petitioners have shown that the non-signing inventors, Roman Zak and Jeff Zanin, have refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioners have established, via the declaration of joint inventor Keith Penny, that a copy of the application was faxed to each non-signing inventor. Additionally, petitioners assert that each joint inventor confirmed receipt of the application papers during a subsequent telephone call with Mr. Penny. However, the non-signing inventors have both failed to return an executed declaration naming them as joint inventors along with Robert Ledingham, Keith Penny, and Howard Aikins.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

After this decision is mailed, the application will be forwarded to Technology Center Art Unit 2131 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW 01-05

Jeff Zanin
629 King Road
Burlington, ON L7T 3K3
CANADA

COPY MAILED

JAN 10 2005

OFFICE OF PETITIONS

In re Application of
Ledingham et al.
Application No. 10/698,668
Filed: 31 October, 2003
For: DATABASE ARCHITECTURE FOR AN AIR TRAFFIC INFORMATION SYSTEM

Dear Mr. Zanin:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

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Roman Zak
6103 143a St. NW
Edmonton, AB T6H 4G7
CANADA

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JAN 10 2005

OFFICE OF PETITIONS

In re Application of
Ledingham et al.
Application No. 10/698,668
Filed: 31 October, 2003
For: DATABASE ARCHITECTURE FOR AN AIR TRAFFIC INFORMATION SYSTEM

Dear Mr. Zak:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

JAMES C. SCHELLER, JR.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of :
Ruth E. Leibig, et. al. :
Application No. 10/698,670 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 2003P12088US :

This is a decision on the petition under 37 CFR 1.137(b), filed on October 8, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a proper response to the final Office action mailed March 6, 2007. A Notice of Abandonment was mailed on September 3, 2008.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the $810 filing fee and an amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on October 8, 2008.

The application file is being referred to Technology Center Art Unit 3737, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

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JAN 26 2005

OFFICE OF PETITIONS

In re Application of :
Steven M. Shei :
Application No. 10/698,693 :ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. DKE 9757 :

This is a decision on the paper filed, April 16, 2004, which is being treated as a petition under 37 CFR 1.181 to withdraw an erroneous Notice entitled "Notice To File Missing Parts Of Nonprovisional Application," mailed March 29, 2004.

The petition is **GRANTED**.

The application was deposited on October 31, 2003. However, on March 29, 2004, the Office of Initial Patent Examination Division mailed a "Notice To File Missing Parts Of Nonprovisional Application," stating that a properly signed oath or declaration is missing.

In response, on April 16, 2004, the instant petition and a copy of a declaration/power of attorney was submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of the declaration/power of attorney submitted on October 31, 2003.

MPEP 503 states that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, since the evidence supports the fact that the declaration/power of attorney was in fact present on filing, the Notice mailed March 29, 2004 is **vacated**.

Since the declaration cannot be located in the Office, the copy of the declaration/power of attorney supplied on April 16, 2004 will be used for processing and examination purposes.

The application file is being referred to the Office of Initial Patent Examination for processing and for an indication that the declaration/power of attorney were included on filing and for mailing of a corrected filing receipt.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (571) 272-3208.

Frances Hicks for
Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 04/21/2010

Applicant	: Charles L. Branch	: DECISION ON REQUEST FOR
Patent Number	: 7637953	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **734** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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MEDTRONIC
Attn: Noreen Johnson - IP Legal Department
2600 Sofamor Danek Drive
MEMPHIS, TN 38132

Mail Date: 05/18/2010

Applicant : Charles L. Branch
Patent Number : 7637953
Issue Date : 12/29/2009
Application No: 10/698,702
Filed : 10/31/2003

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **815** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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LAW DEPT. AB2
P.O. BOX 2245
MORRISTOWN NJ 07962-9806

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JUN 21 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Joseph Mead Jensen et al :
Application No. 10/698,716 :
Filed: October 30, 2003 :
Attorney Docket No. H0005025G :

This is a decision on the petition, filed June 21, 2005[1], under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 25, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[2]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3742 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1]Evidence has been provided to show that the original petition was received in the USPTO on June 14, 2005.

[2] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. _____

Date : June 21, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Joseph Mead Jensen et al
Application No. :10/698,716
Filed :October 30, 2003

The above-identified application has been assigned Patent No. 6,910,527 and an issue date of June 28, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 28, 2005:

"All reference to Patent No. 6,910,527 to Joseph Mead Jensen et al of California for SOLID BUFFER RODS IN HIGH TEMPERATURE HEAT EXCHANGER appearing in the Official Gazette of June 28, 2005 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,582,313
Issued: September 1, 2009
Application No. 10/698,734
Filed: October 31, 2003
Attorney Docket No. 00786/405003

: DECISION ON REQUEST
: FOR RECONSIDERATION OF
: PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705", filed October 28, 2009 requesting that the patent term adjustment determination for the above-identified patent be changed from 199 days to 633 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred thirty-three (633) days is **GRANTED**.

Patentees argue that the total period of Office delay is the sum of the period of Three Years Delay (636 days) and the period of Examination Delay (434 days) to the extent that these periods of delay are not overlapping. However, in effect, patentees contend that no portion of the Three Year Delay period overlaps with the period of 14-month examination delay. As such, patentees assert entitlement to a patent term adjustment of 633 days (636 + 434 reduced by 0 overlap – 437 (applicant delay)).

Patentees argue that the total period of Examination Delay is only 434 days and not 441 days as 7 days has been incorrectly accorded for the mailing of a non-Final Office Action on January 24, 2008. Patentee's argument has been considered but is not persuasive. Notwithstanding the filing of a supplemental response on October 30, 2007, the mailing of the non-Final Office Action was mailed four months and 7 days after the filing of the first response filed on September 17, 2007, thus the 7 day delay accorded the PTO is appropriate.

The Office contends that 7 days of the 441 days for examination delay overlap with the 636 days of delay for over three year pendency (B delay). Thus, the B delay is 629 days. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> to the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 35 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in § 1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A),* 69 Fed. Reg. 34283 (June 21, 2004).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred thirty-three (633)** days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,582,313 B2

DATED : September 1, 2009

INVENTOR(S) : Denise L. Faustman

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (199) days

Delete the phrase "by 199 days" and insert – by 633 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

COPY MAILED

NOV 29 2007

OFFICE OF PETITIONS

In re Application of :
SHAN et al. :
Application No. 10/698,736 : DECISION ON PETITION
Filed: 10/31/2003 :
Attorney Docket No. 200208138-1 :

This is a decision on the petition under 37 CFR 1.181, filed August 13, 2007, to withdraw the holding of abandonment for the above-identified application.

On December 28, 2006, the Office mailed a nonfinal Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on March 29, 2007. A Notice of Abandonment was mailed on July 16, 2007.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the nonfinal Office Action.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the nonfinal Office Action, and in the absence of any irregularity in the mailing, there is a strong presumption that the nonfinal Office Action was properly mailed to the address of record. This presumption may be overcome by a showing that the nonfinal Office action was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances

that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicants submitted copies of docket records where the nonfinal Office Action would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the docket records indicated that the nonfinal Office Action was not received. Accordingly, applicants presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2863 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new nonfinal Office action. The three (3) month shortened statutory time period for responding to the nonfinal Office Action will be set to run from the mailing date of the new nonfinal Office Action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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JUL 24 2008

In re Application of :
Jerry Rolia et al. :
Application No. 10/698,769 : DECISION ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 200300266-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 9, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-Final Rejection mailed, June 26, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on September 27, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment After Non-Final, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 2195 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

04/02/04

Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518

Dear Applicant:

The Box PG Pub replacement drawings for application number 10/698783 received on 02/09/04 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

COPY MAILED

JAN 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Jingdan Zhang et al	:	
Application No. 10/698,792	:	DECISION GRANTING PETITION
Filed: October 21, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. M61.12-0535	:	

This is a decision on the petition, filed December 7, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 13, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2676 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY MANAGEMENT
BOEING MANAGEMENT COMPANY
P.O. BOX 2515
MAIL CODE 110-SD54
SEAL BEACH, CA 90740-1515

Mail Date: 04/20/2010

Applicant	: Eric W. Fleischman	: DECISION ON REQUEST FOR
Patent Number	: 7613467	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,800	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **328** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

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JAN 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Adeokun et al.	:	
Application No. 10/698,808	:	DECISION ON PETITION
Filed: October 31, 2003	:	
Atty Docket No. 06275-264002 / AFG/100135	:	

This is a decision on the "PETITION UNDER 37 CFR § 1.182" filed November 26, 2004, to change the name of the first-named inventor from the typewritten version to the signed version on the Declaration and Power of Attorney filed on October 31, 2003 (on original filing of the application).

The petition includes payment of the petition fee. Petitioner states that the signed and correct version of the first-named inventor is Anthonia M. Adeokun. A review of the application history reveals that on August 20, 2004, applicants submitted an application data sheet (37 CFR 1.76) identifying the first-named inventor as Anthonia M. Adeokun.

In view thereof, the petition under § 1.182 is **GRANTED**.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Howard M. Cohn
c/o Ronald P. Yaist, Dept. 823
The Goodyear Tire & Rubber Company
1144 East Market Street
Akron OH 44316-0001

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Cavalotti et al.	:	
Application No. 10/698,832	:	ON PETITION
Filed: October 31, 2003	:	
Attorney Docket No. DN2001169D01	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 31, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the Issue Fee Transmittal and payment of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BERKELEY LAW & TECHNOLOGY GROUP
1700NW 167TH PLACE
SUITE 240
BEAVERTON OR 97006

COPY MAILED

SEP 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Varanasi, et al. :
Application No. 10/698,851 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. 003.P002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "we no longer represent this client", does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP
20333 SH 249
Suite 600
Houston, TX 77070

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston TX 77070

MAILED

JUN 3 0 2010

OFFICE OF PETITIONS

In re Patent No. 7,619,974	:	DECISION ON REQUEST FOR
Varanasi et al.	:	RECONSIDERATION OF
Issue Date: November 17, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/698,851	:	AND
Filed: October 31, 2003	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 112-0135US	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 15, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand seven hundred eighty-two (1782) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand seven hundred eighty-two (1782) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand seven hundred-eighty two (1782) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,619,974 B2

DATED : Nov. 17, 2009 **DRAFT**

INVENTOR(S) : Varanasi et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1113 days

Delete the phrase "by 1113 days" and insert – by 1782 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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NOV 17 2006

OFFICE OF PETITIONS

In re Application of
MATTHEWS, et al.
Application No. 10/698,854
Filed: October 31,2003
Attorney Docket No. 24636-09986

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert A. Hulse on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **Donald W. Matthews**
136 Langford Avenue
Toronto, ON M4J3E3

cc: **Greg Hood**
345 Adelaide Street West, 3rd Floor
Toronto, ON MSV1R5

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/698,854	10/31/2003	W. Donald Matthews	24636-09986

CONFIRMATION NO. 9330

OC000000021275468

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 11/17/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/27/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

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NOV 17 2006

OFFICE OF PETITIONS

In re Application of :
MATTHEWS, et al. :
Application No. 10/698,854 : DECISION ON REQUEST FOR
Filed: October 31, 2003 : REVOCATION OF POWER
Attorney Docket No. 24636-09986 : OF ATTORNEY
:

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed September 26, 2006.

The request is **NOT APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The request cannot be approved because the statement under 3.73(b) is not proper in that the reel and frame number is not correct.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP**
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/698,854	10/31/2003	W. Donald Matthews	24636-09986

CONFIRMATION NO. 9330

OC000000021275158

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 11/17/2006

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/26/2006 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received or is improper.

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/698,854	10/31/2003	W. Donald Matthews	24636-09986

CONFIRMATION NO. 9330

OC000000021275158

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 11/17/2006

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/26/2006 . The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received. /or is improper.

GREEBBERG TRAURIG LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

MONICA A GRAVES
OP (571) 272-7253

NEW ATTORNEY/AGENT COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090408

DATE : April 08, 2009

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction on Patent No.: 7,293,730

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☒ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

None of the changes to columns 23, 24 or 25 is apporved, as the requested changes affect the meaning of the claims.

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH, CA 92660

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MAR 19 2007

OFFICE OF PETITIONS

In re Application of

Wang, et al.

Application No. 10/698,866

Filed: October 30, 2003

Attorney Docket No. 155634-0146

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), November 8, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1400.00 and the publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed June 14, 2006. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on September 15, 2006. A Notice of Abandonment was mailed on October 31, 2006.

The issue fee and publication fee were received on November 8, 2006.

Form PTOL-85B, filed November 8, 2006, is noted and made of record.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-07

TYCO HEALTHCARE GROUP
15 HAMPSHIRE STREET
MANSFIELD MA 02048

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APR 2 7 2007

OFFICE OF PETITIONS

In re Application of :
Carlyon et al. :
Application No. 10/698,869 : DECISION ON PETITION
Filed: 31 October, 2003 :
Atty Docket No. S-8503(1502-84) :

This is a decision on the petition filed on 7 February, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 4 January, 2007, for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 3 October, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 29 January, 2007.

This application is being referred to the Publishing Division for processing into a patent.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

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MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of
Mukherjee
Application No. 10/698,885
Filed: October 30, 2003
Attorney Docket No. 100201426-1

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION TO SECURE FILING DATE AS OF MAILING DATE VIA EXPRESS MAIL," filed January 5, 2005, requesting that the above-identified application be accorded a filing date of October 31, 2003, rather than the presently accorded filing date of October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

Petitioner requests the later filing date based on the assertion that the application was deposited in U.S. Express Mail Service on October 31, 2003. In support, the petition is accompanied by (1) an Ex Post Declaration of Express Mailing signed by Trinity Coxon and dated October 31, 2003 that states a mailing bearing Express Mail Label No. EL979977687 was delivered to a postal employee on October 31, 2003 and (2) a copy of applicant's itemized postcard receipt showing an Office generated barcode listing October 31, 2003 as the date the correspondence was received in the Office.

The return postcard constitutes *prima facie* evidence that this application was filed on October 31, 2003. MPEP 503.

Accordingly, the petition is **GRANTED**. The $130.00 petition fee will be credited to deposit account no. 08-2025.

The application is being returned to Office of Initial Patent Examination for mailing of a corrected filing receipt and correction of Office records to show the filing date of the application as **October 31, 2003**, not October 30, 2003.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/698,885	10/31/2003	2613	1378	100201426-1	7	37	5

CONFIRMATION NO. 2006

CORRECTED FILING RECEIPT

OC000000015451591

22879
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

Date Mailed: 03/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Debargha Mukherjee, San Jose, CA;

Power of Attorney: The patent practitioners associated with Customer Number **022879**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/698,885

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Data communications methods, compressed media data decoding methods, compressed media data decoders, articles of manufacture, and data communications systems

Preliminary Class

348

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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DEC 0 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Robert Ledingham, et al.	:	
Application No.: 10/698,891	:	DECISION ACCORDING STATUS
Filed: October 31, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 6486.P004	:	

This is a decision in response to the "Petition For Filing By Other Than All The Inventors Under 37 CFR 1.47(a)," filed September 7, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to Initial Patent Examination Division for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to Initial Patent Examination Division processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ROMAN ZAK
6103 143a ST. NW
EDMONDTON, ALBERTA, CANADA T6H 4G7

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DEC 0 1 2004

OFFICE OF PETITIONS

LETTER

In re Application of
Robert Ledingham, Keith Penny, Roman Zak,
Jeff Zanin and Howard Aikins
Application No. 10/698,891
Filed: October 31, 2003
For: AIR TRAFFIC INFORMATION DISPLAY SYSTEM

Dear Mr. Zak:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

cc: James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025-1026

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JEFF ZANIN
629 KING ROAD
BURLINGTON, ONTARIO, CANADA L7T 3K3

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DEC 0 1 2004

OFFICE OF PETITIONS

LETTER

In re Application of
Robert Ledingham, Keith Penny, Roman Zak,
Jeff Zanin and Howard Akins
Application No. 10/698,891
Filed: October 31, 2003
For: AIR TRAFFIC INFORMATION DISPLAY SYSTEM

Dear Mr. Zanin:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

cc: James C. Scheller, Jr.
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025-1026

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,899	10/31/2003	Niranjan Damera-Venkata	200207907-1	3010

22879 7590 07/10/2009
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
KAU, STEVEN Y	
ART UNIT	**PAPER NUMBER**
2625	

NOTIFICATION DATE	DELIVERY MODE
07/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
jessica.l.fusek@hp.com

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HEWLETT PACKARD COMPANY
P.O. BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINSTRATION
FORT COLLINS, CO 80527-2400

In Re Application of :
DAMERA-VENKATA, NIRANJAN :
Application Serial No. 10/698,899 :
Filed: October 31, 2003 :
For: **EMBEDDING INFORMATION IN IMAGES** :

DECISION
ON PETITION

This is a response to the petition to expunge incorrect Reply Brief filed March 6, 2009, pursuant to 37 CFR §1.59(b).

Petitioner requests that the Reply Brief filed March 6, 2009 (Certificate of Transmission dated March 5, 2009) be expunged from the record.

Petitioner states that the Reply Brief was incorrectly filed in the instant application and has no relation to or bearing on the subject matter of the present application.

The petition fails to meet the requirements set forth in MPEP 724.05 (II), which states in part:

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:
(A) the Office can effect such return prior to the issuance of any patent on the application in issue;
(B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

Petitioner has not met the requirements of items B, C, and D.

Accordingly the petition is **DISMISSED**.

Any request for reconsideration must include the requirements as outlined above.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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Rutan & Tucker, LLP.
611 ANTON BLVD
SUITE 1400
COSTA MESA, CA 92626

Mail Date: 04/21/2010

Applicant	: Wolf-Dietrich Weber	: DECISION ON REQUEST FOR
Patent Number	: 7665069	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/698,905	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1873** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Jun-07

DLA PIPER US LLP
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

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JUN 19 2007

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Gough et al.	:	
Application No. 10/698911	:	
Filed: 10/31/2003	:	
Attorney Docket No. ST-UCSD3510-1	:	

This is a decision on the petition filed on 10 April, 2007, under 37 CFR 1.137(b)[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 22 March, 2007, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on 21 December, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 20 April, 2007.

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d)).

The statement contained in the instant renewed petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

Receipt of the change of correspondence address filed with the present petition is acknowledged.

The application is being referred to Technology Center Art Unit 3735 for consideration of the amendment under 37 CFR 1.312 filed with the present petition.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHARLES H. DEVOE
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 S.W. YAMHILL STREET
PORTLAND OR 97204

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SEP 2 3 2004

OFFICE OF PETITIONS

In re Application of
Glassberg, Lillienthal, Lohmeyer,
Mrzywka & Herrera
Application No. 10/698,912
Filed: October 31, 2003
Attorney Docket No. MAP 318
For: FOOD FORMULATIONS

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 3, 2004 (certificate of mailing date July 29, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventor, Cheryl Lillienthal, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Anton E. Skaugset establishes that the inventor was successfully mailed the application papers, including the specification and claims, and that the inventor expressly refused to sign the declaration. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHERYL LILLIENTHAL
4627 DANZA STREET
WOODLAND HILLS, CA 91364

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SEP 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Glassberg, Lillienthal, Lohmeyer, :
Mrzywka & Herrera : LETTER
Application No. 10/698,912 :
Filed: October 31, 2003 :
Attorney Docket No. MAP 3I8 :
For: FOOD FORMULATIONS

Dear Ms. Lillienthal:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: CHARLES H. DEVOE
KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 S.W. YAMHILL STREET
PORTLAND OR 97204

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Babak Akhlaghi
McDermott Will & Emery
600 Thirteenth Street, N.W.
Washington, D.C. 20005-3096

COPY MAILED

APR 22 2008

OFFICE OF PETITIONS

In re Application of :
Christopher J. Wright et al. :
Application No. 10/698,933 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. 06975-074002 / Security 0 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 14, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Babak Akhlaghi. Babak Akhlaghi has been withdrawn as attorney or agent of record; all other attorneys remain of record. The correspondence address of record remains unchanged.

There is an outstanding Office action mailed March 24, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Fish & Richardson, P.C.**
P.O. Box 1022
Minneapolis, MN 55440-1022

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AUG 0 2 2006

OFFICE OF PETITIONS

Kevin A. Buford
Holland & Knight LLP
2009 Pennsylvania Ave., N.W.
Washington D.C. 20006

In re Application of :
Chung Chan :
Application No. 10/698,935 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. 069660.00003 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2005.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kevin A. Buford.

Kevin A. Buford has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

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JOSEPH W. BERENATO, III
LINIAK, BERENATO & WHITE
SUITE 240
6550 ROCK SPRING DRIVE
BETHESDA, MD 20817

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MAY 30 2006

OFFICE OF PETITIONS

In re Application of	:	
Daniel Boss	:	DECISION ON PETITION
Application No. 10/698,938	:	TO WITHDRAW
Filed: November 3, 2003	:	FROM RECORD
Attorney Docket No. 6666.110	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas P. Liniak, an attorney of record.

Thomas P. Liniak has been withdrawn as attorney or agent of record; the other attorneys remain of record.

The file is being referred to Technology Center AU 1773 to await a reply to the Non-final Office action mailed February 27, 2006.

Telephone inquires concerning this decision should be directed to Karen Creasy at 571-272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

Conferee:

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080212-A

DATE : February 12, 2008

TO SPE OF : ART UNIT 3731

SUBJECT : Request for Certificate of Correction on Patent No.: 7,007,689

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Todd E. Manahan/ Art Unit 3731

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6897374	2005-05-24	10698992	2003-10-31	01945.0155USC1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
◉	3 ½ year	(1551)	○	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Robert A. Kalinsky/	Date (YYYY-MM-DD)	2009-07-24
Name	Robert A. Kalinsky	Registration Number	50471

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Patent No. 6897374
Issue Date: May 24,2005
Application No. 10698992
Filed: October 31,2003
Attorney Docket No. 1945.155USC1

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 24,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 24,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6854788	2005-02-15	10698998	2003-11-03	

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
◯	3 ½ year	(1551)	◉	3 ½ year	(2551)
◯	7 ½ year	(1552)	◯	7 ½ year	(2552)
◯	11 ½ year	(1553)	◯	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◯ An attorney or agent registered to practice before the Patent and Trademark Office

◉ A sole patentee

◯ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

◯ A joint patentee; all of whom are signing this e-petition

◯ The assignee of record of the entire interest

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Sean Graham/	Date (YYYY-MM-DD)	2009-04-30
Name	Sean Graham		

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No. 6854788
Issue Date: February 15,2005
Application No. 10698998
Filed: November 3,2003
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed April 30,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of April 30,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

MILLER JOHNSON SNELL CUMMISKEY, PLC
800 CALDER PLAZA BUILDING
250 MONROE AVE N W
GRAND RAPIDS MI 49503-2250

In re Application of)
Young-Seo Park, et al.)
Application No. 10/699,015)
Filed: October 31, 2003)
For: **CHANNEL CONDITION ESTIMATION FOR PILOT COEFFICIENT SELECTION**)

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request for Withdrawal as attorney or agent filed on December 17, 2004.

A grantable request to withdraw, as attorney/agent of record must:
(1) Indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) Be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) Be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) Indicate the address to which future correspondence should be mailed.

Petitioner has met all of the above. Accordingly, the request is **GRANTED**.

All attorneys/agents of record associated with Customer No. 20576 are withdrawn.

It is noted that the request was filed with an incorrect Application Serial Number listed thereon which contributed to delays in matching the request to the instant application.

All future communications from the Office will be directed to Customer No. 22917, at the address listed below, until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(571) 272-7288

CC:
MOTOROLA, INC.
1303 East Algonquin Road
IL01/3RD
Schaumburg, IL 60196

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

Mail Date: 04/20/2010

Applicant	: John Francis Bateman	: DECISION ON REQUEST FOR
Patent Number	: 7569665	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,035	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **9** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

Paper No.

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JUN 0 1 2004

OFFICE OF PETITIONS

In re Application of :
John Korbler and Xuecang Geng :
Application No. 10/699,042 : DECISION REFUSING STATUS
Filed: October 31, 2003 : UNDER 37 CFR § 1.47(a)
Attorney Docket No. :
Title: SUBSTRATE PROCESS TANK WITH :
ACOUSTICAL SOURCE TRANSMISSION AND :
METHOD OF PROCESSING SUBSTRATES :

This is a decision on the "PETITION TO ACCEPT DECLARATION UNDER 37 CFR 1.47," filed April 1, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on October 31, 2003, without an executed oath or declaration and missing the statutory basic filing fee. Accordingly, on February 2, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration, payment of the filing fee and payment of the surcharge for late filing under § 1.16(e).

In response, rule 47 applicant timely filed the instant petition, along with payment of the petition fee, the basic filing fee, and the late surcharge. On petition, applicant asserts that status under § 1.47(a) is proper because inventor Geng refuses to join in the application. In support thereof, applicant submits a declaration of facts of patent attorney Brian Belles.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. By declaration of patent attorney Belles, petitioner has shown that the application papers were presented to patent attorney Leo Clossey for inventor Geng. The declaration (and supporting exhibits) supports a conclusion that by his conduct, in not responding, inventor Geng has refused to join in the application. The petition includes payment of the petition fee and a statement of the last known address of non-signing inventor Geng.

However, the petition does not include an acceptable declaration. Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a)(3), an oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify the country of citizenship of each inventor. Although the declaration submitted identifies by name and mailing address and/or residence inventor Geng as a joint inventor, the declaration does not include the citizenship of inventor Geng. (The space where his citizenship would be entered is blank).

The requirement for the citizenship of inventor Geng is statutory and cannot be waived. A new declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(703) 872-9306 ATTN: NANCY JOHNSON SENIOR PETITIONS ATTORNEY
By hand:	CUSTOMER SERVICE WINDOW[1] 2011 South Clark Place Crystal Plaza Two Lobby Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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[1] Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows: U.S. Patent and Trademark Office, 220 20th Street S. Customer Window, Mail Stop _____, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA PA 19103-3508

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JUN 0 1 2004

OFFICE OF PETITIONS

In re Application of :
John Korbler and Xuecang Geng :
Application No. 10/699,042 : DECISION REFUSING STATUS
Filed: October 31, 2003 : UNDER 37 CFR § 1.47(a)
Attorney Docket No. :
Title: SUBSTRATE PROCESS TANK WITH :
ACOUSTICAL SOURCE TRANSMISSION AND :
METHOD OF PROCESSING SUBSTRATES :

This is a decision on the "PETITION TO ACCEPT DECLARATION UNDER 37 CFR 1.47," filed April 1, 2004.

The petition is DISMISSED.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on October 31, 2003, without an executed oath or declaration and missing the statutory basic filing fee. Accordingly, on February 2, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration, payment of the filing fee and payment of the surcharge for late filing under § 1.16(e).

In response, rule 47 applicant timely filed the instant petition, along with payment of the petition fee, the basic filing fee, and the late surcharge. On petition, applicant asserts that status under § 1.47(a) is proper because inventor Geng refuses to join in the application. In support thereof, applicant submits a declaration of facts of patent attorney Brian Belles.

A grantable petition under 37 C.F.R. § 1.47(a) requires; (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirement (2).

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. By declaration of patent attorney Belles, petitioner has shown that the application papers were presented to patent attorney Leo Clossey for inventor Geng. The declaration (and supporting exhibits) supports a conclusion that by his conduct, in not responding, inventor Geng has refused to join in the application. The petition includes payment of the petition fee and a statement of the last known address of non-signing inventor Geng.

However, the petition does not include an acceptable declaration: Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a)(3), an oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify the country of citizenship of each inventor. Although the declaration submitted identifies by name and mailing address and/or residence inventor Geng as a joint inventor, the declaration does not include the citizenship of inventor Geng. (The space where his citizenship would be entered is blank).

The requirement for the citizenship of inventor Geng is statutory and cannot be waived. A new declaration is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY.

By hand: CUSTOMER SERVICE WINDOW[1]
2011 South Clark Place
Crystal Plaza Two Lobby
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

---

[1] Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows: U.S. Patent and Trademark Office, 220 20th Street S. Customer Window, Mail Stop _____, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

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AUG 15 2005

OFFICE OF PETITIONS

In re Application of :
John Korbler and : DECISION ACCORDING STATUS
Xuecang Geng :
Application No. 10/699,042 :
Filed: October 31, 2003 :
Atty Docket No. 108430.035A :

This is a decision on the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed July 22, 2004. The instant petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on October 31, 2003, without an executed oath or declaration and missing the statutory basic filing fee. In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed February 2, 2004, rule 47 applicant timely filed the initial petition, asserting that status under § 1.47(a) is proper because inventor Geng refuses to join in the application. By decision mailed June 1, 2004, the petition was dismissed for failure to submit an acceptable declaration. The declaration failed to include the citizenship of inventor Geng.

On instant renewed petition, rule 47 applicant submitted a new declaration executed by inventor John Korbler on behalf of himself and on behalf of non-signing inventor Xuecang Geng.

The declaration filed July 22, 2004, and the petition have been reviewed and are now both found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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XUECANG GENG
1216 N. Foxpoint Drive
State College, PA 16803

COPY MAILED

AUG 15 2005

OFFICE OF PETITIONS

In re Application of :
John Korbler and : LETTER
Xuecang Geng :
Application No. 10/699,042 :
Filed: October 31, 2003 :
Atty Docket No. 108430.035A :

Dear Mr. Geng:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for

and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area)

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

COZEN O'CONNOR, P.C.
1900 MARKET STREET
PHILADELPHIA, PA 19103-3508

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 2 9 2004

OFFICE OF PETITIONS

ROBERT N. CROUSE
MYERS BIGEL SIBLEY & SAJOVEC
POST OFFICE BOX 37428
RALEIGH, NC 27627

In re Application of :
Scott L. Vance :
Application No. 10/699,048 : DECISION GRANTING PETITION
Filed: October 31, 2003 :
Attorney Docket No. 9314-55 :

This is a decision on the petition under 37 CFR 1.10(c) filed April 5, 2004, requesting that the above-identified application be accorded a filing date of October 31, 2003, instead of the presently accorded date of November 3, 2003.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 31, 2003. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EV31841770US. The same Express Mail receipt number was referred to in the original transmittal letter found in the application file. It is noted that while the "date in" on the copy of the Express Mail label is blank, the label includes an official USPS notation in the form of an USPS receipt stamp dated November 21, 2003.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 31, 2003.

The petition is granted.

The application is being referred to Initial Patent Examination Division for correction of the filing date to **October 31, 2003** and for issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

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JOHN S. BEULICK
ARMSTRONG TEASDALE LLP
SUITE 2600
ONE METROPOLITAN SQUARE
ST. LOUIS MO 63102

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MAR 2 8 2005

OFFICE OF PETITIONS

In re Application of :
Xiuzhang James Zhang et al :
Application No. 10/699,056 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 136480 :

This is a decision on the petition, filed March 21, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 24, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3745 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. _____

Date : March 28, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Xiuzhang James Zhang et al
Application No. :10/699,056
Filed :October 31, 2003

The above-identified application has been assigned Patent No. 6,877,957 and an issue date of April 12, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of April 12, 2005:

"All reference to Patent No. 6,877,957 to Xiuzhana James Zhang et al of South Carolina for METHODS AND APPARATUS FOR COOLING GAS TURBINE ROTOR BLADES appearing in the Official Gazette of April 12, 2005 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, Crystal Park 3-441 (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara Greene, Crystal Park 3-908

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

Mail Date: 04/21/2010

Applicant	: Edward Durell Benjamin	: DECISION ON REQUEST FOR
Patent Number	: 7600972	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,060	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Donald F. Haas
Shell Oil Company
Legal – Intellectual Property
P. O. Box 2463
Houston, TX 77252-2463

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MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Robert H. Ellison, et al. :
Application No. 10/699,075 : DECISION ON PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. TS1326 USA

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 21, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application(s) set forth in the concurrently filed amendment.

The petition is **DISMSSED AS MOOT**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR 1.78(a)(6), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed application(s).

The instant pending Nonprovisional application was filed on October 31, 2003, and was pending at the time of the filing of the instant petition. While a reference to the prior-filed application(s) was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim

submitted elsewhere in the application within the time period set forth in 37 CFR 1.73(a)(5)(ii). However, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR 1.78(a)(6).[1] In the instant case, the Office noted the claim for priority of the prior-filed application(s) in the transmittal letter filed with the application, as shown by its (their) inclusion on the filing receipt.

In view of the above, the $1330 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Marianne Jenkins at (571) 272-3223. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Publishing Division to be processed into a patent.

Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] *Note* MPEP 201.11(III)(D), pages 200-59 and 200-60 (Rev. 2. May 2004) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

Stephen C. Kaufman
IBM CORPORATION
Intellectual Property Law Dept.
P. O. Box 218
Yorktown Heights, NY 10598

Mail Date: 04/21/2010

Applicant	: Boaz Carmeli	: DECISION ON REQUEST FOR
Patent Number	: 7613115	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,081	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **945** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Stephanie L. Seidman
Heller, Ehrman, White & McAuliffe LLP
4350 La Jolla Village Drive
San Diego, CA 92122-1246

Dear Applicant:

The Box PGPub replacement drawings for application number 10/699088 received on 12/30/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King
Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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GRAYBEAL JACKSON LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE WA 98004-5973

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MAY 22 2009

OFFICE OF PETITIONS

In re Application of
Hilal Ezzeddine
Application No. 10/699,100
Filed: October 30, 2003
Attorney Docket No. 2269-5-3

ON PETITION

This is a decision on the petition, filed April 30, 2009, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

A Final Office Action was mailed May 17, 2007 which set a three month period for response. No response having been filed, the application became abandoned August 20, 2007. Accordingly, a Notice of Abandonment was mailed November 27, 2007.

Petitioner argues that in response to the Final Office Action, a Request for Continued Examination (RCE), and amendment as the submission under 37 CFR 1.114, was filed November 19, 2007 (November 17, 2007 was a Saturday), with a three month extension of time request, and that therefore the Notice of Abandonment was mailed in error.

A search of the application file and the USPTO records reveals that in fact, an RCE, amendment and extension of time, extending the response date to November 17, 2007, were filed on November 30, 2007 (certificate of mail date November 19, 2007. In view thereof, the response was timely and the Notice of Abandonment mailed November 27, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2832 for processing the RCE filed November 30, 2007(certificate of mail date November 19, 2007).

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Stephanie L. Seidman
Heller, Ehrman, White & McAuliffe LLP
4350 La Jolla Village Drive
San Diego, CA 92122-1246

Dear Applicant:

The Box PGPub replacement drawings for application number 10/699113 received on 12/30/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

United States
Patent And
Trademark Office

P.O. Box 1450, Alexandria, Virginia 22313-1450 – www.uspto.gov

PETITION DECISION

02/27/04

Stephanie L. Seidman
Heller, Ehrman, White & McAuliffe LLP
4350 La Jolla Village Drive
San Diego, California 92122-1246

Dear Applicant:

The Box PGPub replacement drawings for application number 10/699114 received on 12/30/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Kaletus King, Office of Pre-Grant Publication, at 703 605-4283.

Kaletus King

Signature of Reviewer, Office of Pre-Grant Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

The BOC Group, Inc.
Legal Services - Intellectual Property
575 Mountain Ave.
Murray Hill NJ 07974

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DEC 30 2004

OFFICE OF PETITIONS

In re Application of :
Michael Ernest Garrett :
Application No. 10/699,131 : DECISION REFUSING STATUS
Filed: October 31, 2003 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 98B112 (CIP2) :

This is in response to the petition under 37 CFR 1.47(b), filed August 30, 2004. Applicant obtained a five-month extension of time to reply. Accordingly, the petition is filed timely.

The petition is **dismissed**.

Applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On October 31, 2003, applicant filed the above-identified application without an executed oath or declaration. On February 2, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and surcharge.

In response, applicant filed the present petition, a request for a five-month extension to reply, a declaration for utility when using an ADS, and paid the necessary fees. The declaration lists the inventor's name and citizenship without a signature.

In the present petition, Philip H. Von Neida, attorney for applicant, states that on February 5, 2004, Ms. Betty Lee sent a declaration, power of attorney and assignment forms to Mike Wickham, Associate Counsel at The BOC Group, via inter-office

mail for him to forward them to the nonsigning inventor, Michael Garrett. On March 30, 2004, Mr. Wickham emailed Ms. Lee indicating that Mr. Garrett had suffered a stroke and lost the ability to write. On May 26, 2004, Ms. Lee was informed by Mr. Wickham that Mr. Garrett will not be signing the declaration. In response, on May 27, 2004, Ms. Lee emailed Mr. Wickham requesting the name and residence of Mr. Garrett's legal representative, but no response was received. A copy of the email correspondence accompanies the petition.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration; (2) an acceptable oath or declaration; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) proof of irreparable damage. Applicant lacks item (1), (2), (4), (5) and (6) set forth above.

As to item (1), applicant failed to show or provide proof that the inventor has refused to sign the declaration. Before an inventor can refuse to sign an oath or declaration, he must have been presented with a copy of the application papers, including the specification, claims and drawings. Applicant showed that Ms. Lee sent the application papers to Mr. Wickham for him to forward them to the nonsigning inventor. However, there is no statement or documentary evidence showing that a copy of the application papers was presented to the inventor. Additionally, it is unclear from the petition whether Mr. Garrett has refused to sign the declaration or is incapable of signing the declaration. If Mr. Garrett is refusing to sign the declaration after receiving a complete copy of the application papers, applicant must submit proof of the pertinent events in a statement of someone with first hand knowledge of the events.

However, if Mr. Garrett is legally incapacitated, applicant must present a copy of the complete application papers to his legal representative (guardian, conservator, etc.), who may sign the declaration.

As to item (2), applicant has not submitted a declaration for the patent application in compliance with 37 CFR 1.63 and 1.64. The Office notes that pursuant to Section 409.03(b)(A) of the Manual for Patent Examining Procedure:

> Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer or Chief Executive Officer) thereof should normally sign the

> necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP Section 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

If the Mr. Garrett is refusing to sign the declaration, applicant should have the declaration signed by an officer of the corporation such as the President, Vice-President, Secretary, Treasurer or Chief Executive Officer on behalf of the nonsigning inventor. The declaration should set forth the name of the person executing the declaration and his title or position as indicated above and leaving Mr. Garrett's signature block blank.

If Mr. Garrett is legally incapacitated, applicant must set forth the name, residence, post office address, and citizenship of the legal representative. The declaration should be signed by the legal representative on behalf of Mr. Garrett, leaving Mr. Garrett's signature block blank.

As to item (4), a statement of the inventor's last known address is missing and is required.

As to item (5), applicant failed to show or provide proof that The BOC Group has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and The BOC Group, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to The BOC Group, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent

jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to The BOC Group.

As to item (6), applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

The BOC Group, Inc.
Legal Services - Intellectual Property
575 Mountain Ave.
Murray Hill NJ 07974

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FEB 18 2005

OFFICE OF PETITIONS

In re Application of :
Michael Ernest Garrett :
Application No. 10/699,131 :
Filed: October 31, 2003 :
Attorney Docket No. 98B112 (CIP2) :

This is in response to the renewed petition under 37 CFR 1.47(b), filed February 9, 2005.

In view of the joinder of the inventors, further consideration under 37 CFR 1.47(b) is not necessary. Accordingly, the petition is **dismissed** as involving a moot issue. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(b).

This file is being forwarded to Technology Center Art Unit 3721.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE BOC GROUP, INC.
LEGAL SERVICES - INTELLECTUAL PROPERTY
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael Ernest Garrett	:	DECISION ON PETITION
Application No. 10/699,131	:	UNDER 37 CFR 1.137(b)
Filed: October 31, 2003	:	
Attorney Docket No. 98B112	:	
(CIP2)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 15, 2005, for failure to pay the issue fee and the publication fee as required by the Notice of Allowance and Fee(s) Due, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on September 6, 2005.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (703) 305-8497.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE,
SUITE 1300
SPOKANE, WA 99201

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MAY 14 2009

OFFICE OF PETITIONS

In re Patent No. 7,357,954	:	
Issue Date: April 15, 2008	:	
Application No. 10/699,160	:	ON PETITION
Filed: October 30, 2003	:	
Attorney Docket No. NA20-002	:	

This is a decision on the petition filed August 29, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman Page
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Ihl-Ho Lee :
Application No. 10/699,161 : DECISION ON PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 51876P407 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 29, 2005,[1] to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

Unfortunately, the instant petition was not received within sufficient time to avert the issuance of the above-identified application into a patent. The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

Since this application has issued, the concurrently filed request for continued examination (RCE) is improper and will not be processed. No fees have been assessed to either the RCE or petition to withdraw from issue.

The Information Disclosure Statement has been placed in the file record of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Lead Petitions Examiner
Office of Petitions

---

[1] This is the date of receipt in the Central Fax Center. The petition was received in the Office of Petitions on October 5, 2005.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Forssell et al.	:	
Application No. 10/699,162	:	ON APPLICATION FOR
Filed: October 31, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. 088245-1332	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705 filed January 21, 2009. Applicants request that the patent term adjustment be increased from 816 days to 1231 days. Relying on Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008), applicants request this correction on the basis that the Office will take in excess of three years to issue this patent (and considering the filing of a Request for Continued Examination on August 14, 2008).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.703(b). (This is true even in this instance where a request for continued examination (RCE) was filed. The computer will not undertake the § 1.703(b) calculation until the actual date of issuance of the patent has been determined. Accordingly, it is still too soon to make a determination as to the correctness of

any period of adjustment that will or will not be entered pursuant to § 1.703(b)).

Applicant is given TWO (2) MONTHS from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

Rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

It is acknowledged that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including –
>
> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is noted that a Request for Continued Examination (RCE) was first filed in this application on August 14, 2008.

The determination of the patent term adjustment at the time of the mailing of the notice of allowance remains eight hundred sixteen (816) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4)(as well as, 1.702(b)) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KRIEG DEVAULT LLP
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS IN 46204-2709

12/4/07

In re Application of:
Bianchi, John R. et al
Serial No. 10/699,175
Filed: Oct. 31, 2003
Docket: MSDI-434/PC316.08
Title:
OPEN INTERVERTEBRAL SPACER

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed Oct. 18, 2007 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed Aug. 16, 2007.

The petition is **Granted.**

The record shows that the first final rejection of Mar. 19, 2007 was correctly made and the petitioner did not dispute propriety of the final rejection. In reponse, the applicant filed a RCE on Jul. 20, 2007 with no amendment to the cliams. Howevere, the examiner entered new grounds of rejction with new reference and made the Office action of Aug. 16, 2007 final. Since there is no amendment to the claims filed with the RCE, the final Offcie action of Aug. 16, 2007 in no way was necessistated by any amendment to the claims. Therefore, the final Offcie action of Aug. 18, 2007, after the RCE of Jul. 20, 2007 is improper and not in accordance with any procedures set forth in M.P.E.P.

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed Aug. 16, 2007 is hereby withdrawn. The examiner has been instructed to treat the amendment filed on Aug. 18, 2007 as if filed under 37 CFR 1.111 and issue an Office action not inconsistent with this decision.

The application was forwarded to Examiner Suzette Gherbi via Supervisory Patent Examiner of Art Unit 3738 for preparation of an Office action in response to the reply filed on Oct. 18, 2007. The reply, a request for reconsideration, will be entered as it is now considered in response to a non-final Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Karen M. Young

for Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.g

KRIEG DEVAULT LLP
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS IN 46204-2709

2/1/08

In re Application of:
Bianchi, John R. et al
Appl. No.: 10/699,175
Filed: Oct. 31, 2003
Attorney's Docket # MSDI-434/PC316.08
For: OPEN INTERVERTEBRAL SPACER

DECISION ON PETITION

This is a decision on the petition filed Dec. 26, 2007 under 37 CFR 1.181 requesting supervisory review of the final office action mailed Nov. 5, 2007. Petitioner requested reconsideration of the finality of the office action.

The petition is **Granted**.

Petitioner requests that the finality of the office action mailed Nov. 5, 2007 be withdrawn because the new ground of rejection to the un-amended claims 134, 269 and 292 were not necessitated by the amendment filed on Oct. 18, 2007.

It is noted in the amendment of Oct. 18, 2007, the applicant did not amend claims 134, 269 and 292. The examiner introduced new art to reject the un-amended claims 134, 269 and 292. Therefore, the rejection of at least claims 134, 269 and 292 under 35 U.S.C. 102(e) as anticipated by Pafford et al (6,371,988) was not necessitated by amendment of Oct. 18, 2007. As such, the Nov. 5, 2007 final office action is premature and thus the finality of the action is hereby withdrawn. The period to respond to the Office action of Nov. 5, 2007 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated Nov. 5, 2007 will be treated as a 37 CFR § 1.111 amendment.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED.

Frederick R. Schmidt, Director
Technology Center 3700

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OFFICE OF PETITIONS

LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO CA 93401

In re Application of :

GUIDO, John A. :
Application No. 10/699,187 : DECISION ON PETITION
Filed: Fnovember 01, 2003 : TO WITHDRAW
Attorney Docket No. **UT09042003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 05, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Philip Steiner, the sole attorney of record. Philip Steiner has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John Guido at the address indicated below. There is an outstanding Office action mailed August 03, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN GUIDO**
14609 AVENUE 241/2
CHOWCHILLA, CA 93610

UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE
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OFFICE OF PETITIONS

LAW OFFICE OF PHILIP A STEINER
1212 MARSH STREET
SUITE 3
SAN LUIS OBISPO CA 93401

In re Application of :

GUIDO, John A. :
Application No. 10/699,187 : DECISION ON PETITION
Filed: Fnovember 01, 2003 : TO WITHDRAW
Attorney Docket No. **UT09042003** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 05, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Philip Steiner, the sole attorney of record. Philip Steiner has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John Guido at the address indicated below. There is an outstanding Office action mailed August 03, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOHN GUIDO**
14609 AVENUE 241/2
CHOWCHILLA, CA 93610

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE - 10TH FLOOR
NEW YORK, NY 10151

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Flemming Vang Sparso et al :
Application No. 10/699,201 : DECISION GRANTING PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 674509A-2001 :

This is a decision on the petition, filed September 28, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 20, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

J. PAT HEPTING
JENKINS & GILCHRIST, P.C.
1445 ROSS AVE., STE. 3200
DALLAS, TX 75202-2799

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APR 2 8 2004

OFFICE OF PETITIONS

In re Application of:
Stevens et al.
Application No. 10/699,208
Filed: October 31, 2003
Title of Invention:
METHOD AND APPARATUS FOR CLOSING A SEVERED STERNUM

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to a Petition under 37 CFR 1.47, which is properly treated as a petition under 37 CFR 1.47(a), filed February 20, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Archibald S. Miller III, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ARCHIBALD S. MILLER III
C/O DAVID SULLIVAN
CROWE & DUNLEVY, P.C.
20 N. BROADWAY, STE. 1800
OKLAHOMA CITY, OK 73102-8273

COPY MAILED
APR 2 8 2004
OFFICE OF PETITIONS

In re Application of: :
Stevens et al. :
Application No. 10/699,208 : LETTER
Filed: October 31, 2003 :
Title of Invention: :
METHOD AND APPARATUS FOR CLOSING :
A SEVERED STERNUM :

Dear Dr. Miller:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: J. PAT HEPTING
JENKINS & GILCHRIST, P.C.
1445 ROSS AVE., STE. 3200
DALLAS, TX 75202-2799

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 12 2008

OFFICE OF PETITIONS

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

In re Application of :
Kwon-Hue Choi, et al. :
Application No. 10/699,224 : ON PETITION
Filed: October 30, 2003 :
Attorney Docket No. 3364P150 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.**

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

/Sherry D. Brinkley/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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SEP 12 2008

OFFICE OF PETITIONS

In re Application of :
Kwon-Hue Choi, et al. :
Application No. 10/699,224 : ON PETITION
Filed: October 30, 2003 :
Attorney Docket No. 3364P150 :

This is a decision on the petition, filed March 11, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before January 31, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed October 31, 2007. A Notice of Abandonment was mailed on February 25, 2008. In response on March 11, 2008, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440, the publication fee of $300, and corrected formal drawings, (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to oversee the review of the drawings and to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 052306

CYMER INC
LEGAL DEPARTMENT
17075 Thornmint Court
SAN DIEGO CA 92127-2413

In re Application of:	:	
Richard L. Sandstrom.	:	PETITION TO ACCEPT COLOR DRAWINGS
Serial No.: 10/699,228	:	UNDER 37 CFR § 1.84(a)(2)
Filed: October 30, 2003	:	
Attorney Docket No.: 2002-0048-02	:	

This is a decision on the petition filed January 23, 2006 to accept color drawings under 37 CFR § 1.84(a)(2).

The petition is granted and the drawings have been accepted.

Gregory J. Toatley, Jr.
Supervisory Patent Examiner,
Art Unit 2877

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY
ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

In re Application of :
Steven W. Trovinger et al : DECISION ON PETITION
Application No. 10/699,247 : UNDER 37 CFR 1.78(a)(3)
Filed: October 30, 2003 :
Attorney Docket No. 10991471-10 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;[1]
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS)) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant application was filed on October 30, 2003, and was pending at the time of filing of the instant petition.

The reference to the prior-filed applications was not included in the manner specified in 37 CFR 1.78(a)(2)(i) (i.e., in an ADS or in an amendment to the first sentence following the title of the specification) or filed within the period specified in 37 CFR 1.78(a)(2)(ii).

The instant petition does not comply with item (1)

The amendment submitted with the petition reference Application No. 09/831,768 on page one(1) and on page two(2) under Cross-References To Related Applications, the same number is referenced. Also, the PCT application and Application No. 09/162,844 is not mentioned in the amendment submitted with the instant petition. Therefore, the amendment submitted is unclear.

For the above-noted reason, the petition under 37 CFR 1.78(a)(3) cannot be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703) 305-8859 .

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY
ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

In re Application of
Steven W. Trovinger et al
Application No. 10/699,247
Filed: October 30, 2003
Attorney Docket No. 10991471-10

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;[1]
> (2) the surcharge set forth in § 1.17(t); and
> (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS)) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant application was filed on October 30, 2003, and was pending at the time of filing of the instant petition.

The reference to the prior-filed applications was not included in the manner specified in 37 CFR 1.78(a)(2)(i) (i.e., in an ADS or in an amendment to the first sentence following the title of the specification) or filed within the period specified in 37 CFR 1.78(a)(2)(ii).

The instant petition does not comply with item (1)

The amendment submitted with the petition reference Application No. 09/831,768 on page one(1) and on page two(2) under Cross-References To Related Applications, the same number is referenced. Also, the PCT application and Application No. 09/162,844 is not mentioned in the amendment submitted with the instant petition. Therefore, the amendment submitted is unclear.

For the above-noted reason, the petition under 37 CFR 1.78(a)(3) cannot be granted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703) 305-8859 .

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS, CO 80527-2400

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AUG 27 2004

OFFICE OF PETITIONS

In re Application of :
Steven W. Trovinger et al :
Application No. 10/699,247 : DECISION ON PETITION
Filed: October 30, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10991471-10 :

This is a corrected decision on the petition under 37 CFR 1.78(a)(3), filed July 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;[1]
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant pending application was filed on October 30, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition. Additionally, the Office letter mailed August 16, 2004 is hereby vacated.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

The examiner of Technology Center Art Unit 3651 will consider applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed nonprovisional Application No. 09/162,844, filed September 29, 1998.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

COPY MAILED

JAN 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel P. H. Wu	:	
Application No. 10/699,267	:	DECISION ON PETITION UNDER
Filing Date: October 31, 2003	:	37 C.F.R. §1.182
Attorney Docket Number: 14016 B	:	
Title: WHEEL BRACKET MECHANISM	:	
FOR AN ELECTRIC WHEELCHAIR	:	
EQUIPPED WITH AUXILIARY WHEELS	:	

This is a decision on the petition filed May 8, 2006, pursuant to 37 C.F.R. §1.182, requesting that the Office change the name of the sole inventor. Petitioner's representative has requested that the first name of the sole inventor was mistakenly given as "Daniel," when it should be listed as "Donald."

Petition fee requirement

The fee for filing a petition pursuant to 37 C.F.R. §1.182 is set forth in 37 C.F.R. § 1.17(f) as being $400, with no reduction for small entity status. Petitioner's representative has included a check in the amount of $130 with this petition, and the petition does not appear to contain an authorization to charge any deficiency to a Deposit Account.

Petitioner's representative will note that the last sentence of 37 C.F.R. §1.182 specifically sets forth "any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f)."

It follows that this petition must be **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.182." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Petitioner's representative should include the deficient $270 on renewed petition.

If responding by mail, Petitioner's representative is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for further action(s) of Petitioner's representative's.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

COPY MAILED

OCT 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel P. H. Wu	:	
Application No. 10/699,267	:	DECISION ON RENEWED PETITION
Patent No. 7,175,193	:	UNDER 37 C.F.R. § 1.182
Filing Date: October 31, 2003	:	
Issue Date: February 13, 2007	:	
Attorney Docket Number: 14016 B	:	
Title: WHEEL BRACKET MECHANISM	:	
FOR AN ELECTRIC WHEELCHAIR	:	
EQUIPPED WITH AUXILIARY WHEELS	:	

This is a decision on the renewed petition filed January 24, 2007, pursuant to 37 C.F.R. § 1.182, requesting that the Office change the name of the sole inventor. Petitioner has requested that the first name of the sole inventor was mistakenly given as "Daniel," when it should be listed as "Donald."

The original petition was filed on May 8, 2006, and was dismissed via the mailing of a decision on January 8, 2007 for failure to include the petition fee in full.

With this renewed petition, Petitioner has submitted the remainder of the petition fee.

It is noted that the present application matured into U.S. Patent No. 7,175,193 on February 13, 2007, less than one month after the filing of this renewed petition.

Consequently, Petitioner will need to submit a certificate of correction, along with the associated fee.

Furthermore, the declaration that was submitted on filing has been reviewed, and it is clear that the declaration lists the inventor's first name as "Daniel." It is equally clear that the inventor signed the name "Daniel p.H. Wu:" the inventor did not sign the name "Donald."

On renewed petition, Petitioner must also provide a statement from the inventor:

- The inventor must explain why the declaration failed to contain his correct name.
- The inventor must further explain why he signed a document that contained the wrong name.
- The inventor must also explain why, if his name his Donald, did he handwrite the name "Daniel."

Moreover, the inventor must also submit proof that his name is in fact Donald, and not Daniel.

Petitioner has asserted that the inventor does not "write or understand English (Roman) characters. He was not aware that the name was misspelled." However, Petitioner does not possess firsthand knowledge of the events surrounding the inventor's mindset when the declaration was executed, and as such, a statement of facts from the inventor is required.

It follows that this petition must be **DISMISSED.**

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition Under 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[4].

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.
4 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/699,275	10/31/2003	2861	982	100205023-1	10	27	4

CONFIRMATION NO. 2047

22879
HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

CORRECTED FILING RECEIPT

OC000000014185481

Date Mailed: 10/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steve O'Hara, Camas, WA;
Naoto Kawamura, Corvallis, OR;

Power of Attorney: The patent practitioners associated with Customer Number **022879**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/699,275

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Interconnect circuit

Preliminary Class

347

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-25-06

TO SPE OF : ART UNIT 3765

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/699285 Patent No.: 7065987

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check Drawings

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

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Art Unit

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441 VINE STREET
CINCINNATI, OH 45202

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AUG 1 8 2006
OFFICE OF PETITIONS

In re Application of Schmitkons et al. :
Application No. 10/699,288 : Decision on Petition
Filing Date: October 31, 2003 :
Attorney Docket No. NOR-1109 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 2005, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to file a proper reply to the final Office action mailed March 10, 2005, which set a shortened statutory period for reply of three (3) months. A two-month extension of time was obtained. Accordingly, the above-identified application became abandoned on August 11, 2005.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Payment for an extension of time is unnecessary when filing a petition to revive. Therefore, the Office has credited the $570 fee (3 month fee minus previous 2 month fee) back to petitioner's deposit account.

The Notice of Appeal filed September 15, 2005, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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JONATHAN P. OSHA
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1221 MCKINNEY ST.
HOUSTON TX 77010

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OFFICE OF PETITIONS

In re Application of :
Toshihiro Takagi et al :
Application No. 10/699,300 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 04995/124001 :

This is a decision on the petition, filed December 29, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 18, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2622 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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P.O. BOX 2938
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of
James C. Fye
Application No. 10/699,311
Filed: October 30, 2003
Attorney Docket No. 256.155US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 30, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request to withdraw less than all attorneys appointed by customer number 21186 cannot be approved. The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number should be made by submitting a "Request for Customer Number Data Change" (PTO/SB/124) which will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest who appointed all of the practitioners associated with such Customer Number. See MPEP 403 Section I. Customer Number Practice.

There are no pending Office actions at the present time.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of :
Albert Gordon Anderson, et al. :
Application No. 10/699,329 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. CL1960USNA :

This is a decision on the petition, filed May 2, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 18, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1755 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: " Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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AUG 01 2008

NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON NJ 08540

In re Application of:
Hansen et al.
Serial No.: 10/699,338
Filed: October 31, 2003
Attorney Docket No.: 6443.500-US

DECISION ON PETITION TO RESET REPLY PERIOD

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on July 17, 2008, to review and grant a new shortened statutory period to expire three months from the notification date of May 6, 2008.

A review of the file history shows that the examiner electronically mailed an Office action to applicants on May 6, 2008, setting a three-month shortened statutory time period for reply.

Applicants state that although the outstanding Office action indicates the date of notification to be March 20, 2008, the actual date of notification to applicants was May 6, 2008, the image date of the outstanding Office action. Based on the evidence presented, it is concluded that applicants' notification date should be reset to May 6, 2008.

Applicants' petition is **GRANTED**.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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ONE COMMERCE SQUARE
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PHILADELPHIA PA 19103-7013

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OFFICE OF PETITIONS

In re Application of :
Michael John Lynders et al :
Application No. 10/699,346 :
Filed: October 31, 2003 :
Attorney Docket No. 4110-260U1(403(1)) :

ON PETITION

This is a decision on the petition, filed September 9, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 3712 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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RESEARCH FOUNDATION
C/O BOYLE FREDRICKSON S.C
840 NORTH PLANKINTON AVENUE
MILWAUKEE WI 53203

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OFFICE OF PETITIONS

In re Application of :
Li :
Application No. 10/699,347 : DECISION
Filed: 31 October, 2003 :
Attorney Docket No. 539.005

This is a decision on the petition filed on 18 September, 2007, and considered as a request to withdraw the holding of abandonment under 37 C.F.R. §1.181.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply to a non-final Office action mailed on 31 January, 2007, with reply due absent an extension of time on or before 30 April, 2007;
- the application went abandoned by operation of law after midnight 30 April, 2007;
- the Office mailed the Notice of Abandonment on 17 August, 2007;
- on 18 September, 2007, Petitioner filed a petition and averred, *inter alia*, timely filing of the reply on 31 May, 2007, and in support of that averment presented, *inter alia*, copies of: the reply (amendment), the date-stamped ("MAY 31 2007") receipt card (see: MPEP §503[1]), a statement by Cheryl D. Yeko, averred assistant to Petitioner Jay Durst (Reg.

[1] MPEP §503 provides in pertinent part:
§503 Application Number and Filing Receipt

No. 41,723), and request and fee authorization for an extension of time to make timely the reply, and Petitioner made recitations in an effort to comply with the guidance set forth in the Commentary at MPEP §711.03(c).

Notably, the documents submitted bear two (2) application numbers—i.e., the correct Application Number 10/699,347, and a lined-out Application Number 10/669,347, which, it appears from the record, was placed papers formerly submitted by Petitioner—and that conflicting data may have resulted in a delay and/or misdirection of Petitioner's papers for this application.

The fee for extension of time not formerly charged is now charged to Deposit Account 50-1170 as authorized.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who

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* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[3]

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[3] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[4]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5]

And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[8]

The commentary at MPEP §711.03(c) provides:

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[4] See: *Changes to Patent Practice and Procedure*; *Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

* * *

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), * (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP § 512. As stated in 37 C.F.R §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.
>
> * * *

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the requirements herein.

CONCLUSION

Petitioner has satisfied the burdens herein, and the petition as considered under 37 C.F.R. §1.181 is **granted** and the 17 August, 2007, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center 1700 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[9]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[9] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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1299 PENNSYLVANIA AVENUE, N.W., BOX NO. 34
WASHINGTON, D.C. 20004-2402

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OFFICE OF PETITIONS

In re Application of :
Robert B. Thompson :
Application No. 10/699,356 : DECISION ON PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 02708.0148.NPUS01

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 28, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/422,826, which was filed on October 31, 2002, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 2161 for appropriate action on the amendment submitted October 28, 2004, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional Application No. 60/422,826.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt

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MORRIS MANNING MARTIN, LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

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OFFICE OF PETITIONS

In re Patent No. 7,223,583 :
Issue Date: May 29, 2007 :
Application No. 10/699,393 : ON PETITION
Filed: October 31, 2003 :
Patentee(s): Andras Gruber, et. al. :

This is a decision on the request under 37 CFR 3.81[1], filed June 18, 2007, to add a second name of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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ELIZABETH A STANEK
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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MAY 1 0 2004

OFFICE OF PETITIONS

In re Application of :
Jason R. Brindel :
Application No. 10/699,397 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 9314-41 :

This is a decision on the "Petition to Accord the Proper Filing Date", filed April 2, 2004, which is being treated as a petition under 37 CFR 1.10 to accord the above-identified application a filing date of October 31, 2003.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on October 31, 2003, not November 3, 2003. In support thereof, petitioner has included a copy of a cover sheet itemizing the application, bearing Express Mail number EV 318419652 US. Petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EV 318419652 US was accepted by the USPS on October 31, 2003.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, Petitioner has not included a true copy of the Express Mail label for the above-identified application.[1] However, this requirement is being waived by the Office *sua sponte* in light of the corroborating USPS website evidence.

In view of the above, the application is entitled to a filing date of October 31, 2003.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **October 31, 2003, not November 3, 2003.**

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] Petitioner included a copy of an Express Mail label bearing Express Mail No. EV 353593652 US.

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2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

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APR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Rick Pallante, et al.	:	
Application No. 10/699, 404	:	DECISION GRANTING PETITION
Filed: October 31, 2003	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. NOR-1128	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment in favor of a continuing application under 37 CFR 1.53(b).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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A. RICHARD PARK, REG. NO. 41241
PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95616

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OFFICE OF PETITIONS

In re Application of :
Ebergen, et al. :
Application No. 10/699,412 : DECISION GRANTING PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. SUN-P9550-SPL :

This is a decision on the petition, filed January 24, 2005, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on October 12, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of June 9, 2005 accompanies this decision on petition.

This application is being forwarded to Technology Center 2600 for examination *in due course*.

Any inquiries concerning this decision may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: 1-18-06

MEB
Paper Number:

In re application of
Dianne Ellis et al.
Serial No. 10/699,425
Filed: October 31, 2003
For: Anti-Microbial Nonwoven Wipe

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW ABANDONMENT, filed October 20, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of October 19, 2005, for failure to timely reply to the Office Action of April 14, 2005 be withdrawn. The petitioner asserts that a reply to the Office Action and 3-month extension of time request was timely filed on October 14, 2005 by mail, with the appropriate certification of mailing.

DECISION

The instant request is accepted as a petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding a Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed.

As set forth in MPEP 711.03(c) Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed:
37 CFR 1.10(c) through 1.10(e) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), or (e) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date. Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply

was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt. Where a certificate of mailing or transmission under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

The petitioner's showing with the reply having the appropriate Certificate of Mailing of October 14, 2005 is sufficient. The application will be forwarded to the examiner for prompt consideration of the Reply, filed October 14, 2005, by and a copy of which is provided as an attachment to the instant petition.

The Petition is **Granted**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Allen J. Hoover
Wood, Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/699,428	10/31/2003	3748	770	341800-82614	3	6	2

CONFIRMATION NO. 3265

Gerald S. Geren
BARNES & THORNBURG
P.O. Box 2786
Chicago, IL 60690-2786

CORRECTED FILING RECEIPT

OC000000012318088

Date Mailed: 04/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Delbert L. Thomas JR., Watervliet, MI;
William S. Otte, Stevensville, MI;
Lorraine J. Westlake, Eau Claire, MI;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/04/2004

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Rotary vane compressor

Preliminary Class

418

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MEDTRONIC MINIMED INC.
18000 DEVONSHIRE STREET
NORTHRIDGE, CA 91325-1219

Mail Date: 04/21/2010

Applicant	: Sheldon B. Moberg	: DECISION ON REQUEST FOR
Patent Number	: 7597682	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,429	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FORT COLLINS, CO 80527-2400

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APR 11 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert W. Beauchamp et al :
Application No. 10/699,447 :
Filed: October 31, 2003 :
Attorney Docket No. 100204591-1(1683.016US1) :

This is a decision on the petition, filed April 6, 2005, which is being treated under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 24, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2854 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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OFFICE OF PETITIONS
APR 11 2005
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Date : April 11, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Robert W. Beauchamp et al
Application No. : 10/699,447
Filed : October 31, 2003

The above-identified application has been assigned Patent No. 6,880,459 and an issue date of April 19, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicants. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of April 19, 2005:

"All reference to Patent No. 6,880,459 to Robert W. Beauchamp et al of Carlsbad, CA for PRINTING APPARATUS WITH A DRUM AND SCREEN appearing in the Official Gazette of April 19, 2005 should be deleted since no patent was granted."

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison; Crystal Park 3, Suite 441 (FAX-703-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara K. Greene, PK3-910

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/16/2007

TO SPE OF : ART UNIT 2600 (2612)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,903,654

Attn: T. Pham

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-922
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Ok to change claim dependency of claim 23 from 22 to 20 as requested in C of C?

Ernest C. White, LIE305-8339
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

/Benjamin C. Lee/ 2/24/09

SPE Art 2612

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C/O KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
MCLEAN, VA 22102

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FEB 27 2006

OFFICE OF PETITIONS

In re Application of :
Naoki Makita, et al. :
Application No. 10/699,460 : ON PETITION
Filed: November 3, 2003 :
Atty Docket No.: 70404.10 :
:

This is a decision on the petition, filed February 21, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 28, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

It is noted that the address given on the petition slightly differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: " Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The application is being referred to Technology Center AU 2891 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KEATING & BENNETT, LLP
8180 GREENSBORO DRIVE
SUITE 850
TYSON'S CORNER, VA 22102

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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

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AUG 3 1 2006

OFFICE OF PETITIONS

In re Application of :
Smiley, et al. :
Application No. 10/699,468 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. ABDT-0582/B030080 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 2, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "client's Legal Department will prosecute this application", does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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DEC 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Karen J. Smiley, et al. :
Application No. 10/699,468 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. ABDT-0582/B030080 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 11, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Steven B. Samuels on behalf of all attorneys of record who are associated with customer No. 23377.

All attorneys/agents associated with the Customer Number 23377 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed October 5, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: KAREN J. SMILEY
4515 JOHNS COURT
BENSON, NC 27504

cc: ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE :

TO SPE OF : ART UNIT

SUBJECT : Request for Certificate of Correction on Patent No.:

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/699,478	10/30/2003	1645	900	10020502-1	3	14	3

CONFIRMATION NO. 2712

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

UPDATED FILING RECEIPT

OC000000012254649

Date Mailed: 04/01/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Richard J. Pittaro, San Carlos, CA;
Edward D. Verdonk, San Jose, CA;
Thomas P. Doherty, San Mateo, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/06/2004

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Detection and identification of biopolymers using fluorescence quenching

Preliminary Class

435

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FOLEY & LARDNER, LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764

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MAR 03 2008

In re Patent No. 7,205,072	:	
Issue Date: April 17, 2007	:	
Application No. 10/699,484	:	ON PETITION
Filed: October 31, 2003	:	
Patentee(s): Sun-Ho Kang, et. al.	:	

This is a decision on the request under 37 CFR 3.81(b) filed on September 5, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060802

DATE : August 2, 2006

TO SPE OF : ART UNIT 3753

SUBJECT : Request for Certificate of Correction on Patent No.: 6,988,535

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The scope of the claims would be changed

SPE: Eric Keasel **Art Unit** 3753

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BAKER & MCKENZIE LLP
711 Louisiana, Suite 3400
HOUSTON, TX 77002

Mail Date: 05/28/2010

Applicant	: George Nelson Bennett	: DECISION ON REQUEST FOR
Patent Number	: 7629120	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/699,511	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1002** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA GABRIEL, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE WI 53202

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FEB 23 2005

OFFICE OF PETITIONS

In re Application of :
SGHAR kHAGHANI :
Application No. 10/699,515 :
Filed: October 31, 2003 :
Attorney Docket No. :
7978 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed January 12, 2005, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed February 3, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 4, 2004. A Notice of Abandonment was mailed on November 26, 2004.

With the instant petition Petitioner has filed the necessary documents and paid the requisite fees.

The oath/declaration has been entered and made of record.

This application is being referred to the Office of Initial Patent Examination for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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DEC 0 8 2008

OFFICE OF PETITIONS

In re Application of :
Chen, et al. : DECISION ON PETITION
Application No. 10/699,521 :
Filed: October 31, 2003 :
Docket No.: ALZA-0129 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 6, 2008.

The Notice of Abandonment mailed October 27, 2008 indicates that the application is abandoned for failure to timely reply to the non-final Office action mailed April 9, 2008.

Petitioners assert that a response to the non-final Office action (including three month extension of time) was timely submitted on October 14, 2008 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated October 14, 2008. The postcard acknowledges receipt of an amendment and three month extension of time. Further, the copy of the reply submitted herewith bears a certificate of mailing date of October 9, 2008 in accordance with 37 CFR 1.8.

The reply to the non-final Office action filed October 14, 2008 has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

POWER OF ATTORNEY/CORRESPONDENCE ADDRESS

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to the person signing the petition. However, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

The application file is being forwarded to Technology Center 1618 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: THOMAS MCCRACKEN
Durect Corporation
2 Results Way
Cupertino, CA 95014

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Owens Corning
2790 Columbus Road
Granville OH 43023

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OFFICE OF PETITIONS

In re Application of :
Shaffer et al. :
Application No. 10/699,534 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 25247B :

This is a decision on the petition under 37 CFR 1.137(a), filed April 24, 2006, to revive the above-identified application.

On November 7, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as February 7, 2006. In the absence of the timely payment of the issue fee, the application became abandoned on February 8, 2006. On April 24, 2006, petitioner filed the present petition, a completed Part B - Fee(s) Transmittal, and an authorization to charge the Deposit Account for the requisite fees. On April 6, 2006, the Office mailed a Notice of Abandonment.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must include payment of the issue fee or any outstanding balance. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) The petition fee as set forth in § 1.17(l);

> (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

This petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable."[1] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

---

[1] 35 U.S.C. § 133.

[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

In the present petition, petitioners asserted that they timely submitted the issue fee and publication fee by facsimile transmission on January 30, 2006, as evidenced by the enclosed copy of the first page of the Fax Transmittal. Petitioners stated that the docket clerk mistakenly transmitted the Issue Fee Transmittal to the previous USPTO facsimile number for acceptance of the issue fee payment, which had been coded into the facsimile machine for automatic transmittal. Petitioners explained that the docket clerk was not aware of the new USPTO facsimile number, and thus, it was not coded into the machine. Furthermore, petitioners asserted that it was assumed that the documents were successfully transmitted until the docket clerk checked the status of the application on PAIR.

A delay resulting from an error on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

> (1) the error was the cause of the delay at issue;
>
> (2) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance;
>
> (3) and the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.[5]

An adequate showing requires:

> (A) Statements by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them.
>
> (B) Petitioner must supply a thorough explanation of the docketing and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system. This showing must include copies of mail ledgers, docket sheets, file wrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed to provide adequate notice that a reply was due.
>
> (C) Petitioners must supply information regarding the training provided to the personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

On October 18, 2005, the Office notified the public of the change in the facsimile number for payment of an issue fee and any required publication fee by authorization to charge a deposit account. See 1299 O.G. 98 (October 18, 2005). Specifically, the notice stated, in pertinent part:

> Updated Lists of Exceptions: This notice replaces all prior Office notices specifying a fax number or hand carry address for certain patent related correspondence. Five significant updates have occurred to the lists of exceptions since they were last published on July 12, 2005. The five updated items are as follows:...

[5] See MPEP 711.03(c)(III)(C)(2).

(3) the Office of Patent Publication facsimile number under List II, exception 2, has changed to 571-273-2885, and the local area telephone number to check on receipt of payments transmitted by facsimile under that exception has changed to 571-272-4200.

As previously stated, an application is "unavoidably" abandoned only where petitioners, or counsel for petitioners, take all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the USPTO. In this instance, petitioners have not shown that all necessary actions were taken to timely respond to the Notice of Allowance, and but for the intervention of unforeseen circumstances, the response was not timely received in the USPTO. Rather, it appears that such circumstances petitioners find themselves are the result of a foreseeable consequence due to lack of diligence.

First, petitioners did not indicate the person responsible for coding new facsimile numbers into the machine. Specifically, petitioners did not provide any explanation as to why the new facsimile number was not coded into the machine 3.5 months after the USPTO notified the public of the change. Additionally, petitioners did not submit any statement from the docket clerk setting forth the circumstances surrounding the delay as known to the clerk.

Second, petitioners failed to show that there was a business routine in place that could reasonably be relied upon to avoid errors in its performance. Petitioners did not provide an explanation of their procedures for responding to the USPTO via facsimile transmission and the existence of any checks to ensure the successful completion of the transaction. Additionally, petitioners did not explain their system for keeping all individuals at the firm abreast of changes in USPTO procedures, which will have a direct impact on the prosecution of the firm's applications. Moreover, petitioners did not discuss why the docket clerk, the attorney of record, or any other individual at the firm did not review the status of the transmission, which clearly indicated that 2 pages were not sent as a result of an "E-3)3)" error – "No answer." Additionally, petitioners did not explain why the status report indicating an error in the transmission did not cause any individual at the firm to investigate the matter. If petitioners had acted diligently, they would have determined an error had occurred and could have transmitted the documents again to the USPTO before the last day for payment of the issue fee.

Third, petitioners did not demonstrate that it was reasonable to rely on the docket clerk, especially in light of the fact that the clerk did not familiarize himself/herself of the changes in the procedures for communicating with the USPTO. Furthermore, petitioners did not supply information regarding the training, experience, or degree of supervision of the docket clerk to demonstrate that their reliance on the clerk represented the exercise of due care.

Accordingly, the petition under 37 CFR 1.137(a) is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time are permitted under 37 CFR 1.136(a).

ALTERNATIVE VENUE

Instead of filing a renewed petition under 37 CFR 1.137(a), petitioner may wish to file a petition pursuant to 37 CFR 1.137(b) on the basis of **unintentional** delay.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(2) The petition fee as set forth in § 1.17(m), an additional $1,500.00 for a large entity and $750.00 for a small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and,

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d), unless previously filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Owens Corning
2790 Columbus Road
Granville OH 43023

COPY MAILED

JAN 10 2007

OFFICE OF PETITIONS

In re Application of :
Shaffer et al. :
Application No. 10/699,534 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 25247B :

This is a decision on the petition under 37 CFR 1.137(b), filed October 6, 2006, to revive the above-identified application.

On November 7, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as February 7, 2006. In the absence of the timely payment of the issue fee, the application became abandoned on February 8, 2006. On April 6, 2006, the Office mailed a Notice of Abandonment. On April 24, 2006, petitioner filed a petition under 37 CFR 1.137(a), a completed Part B - Fee(s) Transmittal, and an authorization to charge the Deposit Account for the requisite fees. The petition was dismissed by the decision of September 6, 2006. On October 6, 2006, petitioner filed the present petition under 37 CFR 1.137(b).

The petition is **DISMISSED**.

The petition under 37 CFR 1.137(b) will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a renewed petition under 37 CFR 1.137(b), as well as the payment of the requisite petition fee of $1,500.00, the amount due on the filing of the petition.[1]

The Office notes:

> 35 U.S.C. 41(a)(7) provides that a petition for revival of an unintentionally abandoned application . . . must be accompanied by a petition fee set for in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding abandonment (i.e., it is determined that the application is

[1] Petitioner's Deposit Account does not contain sufficient funds to pay the total amount of the petition fee.

not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

MPEP 711.03(c)(III)(B).

Accordingly, the Office lacks the discretion to, and will not, address the merits of any petition seeking revival of an abandoned application in the absence of the payment of the petition fee required by statute. In this regard, this application is properly considered abandoned by operation of 35 USC § 133 for failure to prosecute.

A request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

By mail:	Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Owens Corning
2790 Columbus Road
Granville OH 43023

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APR 24 2007

OFFICE OF PETITIONS

In re Application of :
Shaffer et al. :
Application No. 10/699,534 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 25247B :

This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2007, to revive the above-identified application.

On November 7, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as February 7, 2006. In the absence of the timely payment of the issue fee, the application became abandoned on February 8, 2006. On April 6, 2006, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements under 37 CFR 1.137(b). Accordingly, the petition is **granted.**

This matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200. Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MERCHANT & GOULD - WELLS FARGO
P.O. BOX 2903
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Laura Lee Orcutt	: DECISION ON REQUEST FOR
Patent Number	: 7660771	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,552	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/30/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OIPE JC99 JUN 02 2005 PATENT & TRADEMARK OFFICE

IFW

Atty. Dkt. No. 085747-0299

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bradford Van Wagenen, Thomas M. Stormann, Scott T. Moe, Susan M. Sheehan, Donald A. McLeod, Daryl L. Smith, Methvin Isaac, Abdelmalik Slassi

Title: HETEROPOLYCYCLIC COMPOUNDS AND THEIR USE AS METABOTROPIC GLUTAMATE RECEPTOR ANTAGONISTS

Appl. No.: 10/699563

Filing Date: 11/03/2003

Patent No:

WITHDRAWAL OF ATTORNEY OF RECORD AND CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Due to the client's request to transfer certain applications, effective May 27, 2005, Foley & Lardner LLP attorneys associated with CUSTOMER NUMBER: 22428, withdraw as Attorney of Record for the captioned application. The undersigned is signing this withdrawal on behalf of herself and all the aforementioned attorneys.

All further correspondence should be sent to:

Andrew Duff Meikle
Birch, Stewart, Kolasch & Birch, LLP
8110 Gatehouse Road, Suite 500 East
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000; Fax: (703) 205-8050

Respectfully submitted,

Date 31 May 2005

By S. A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

6/16/05 DMC

APPROVED MSC

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BERKELEY LAW & TECHNOLOGY GROUP
1700NW 167TH PLACE
SUITE 240
BEAVERTON OR 97006

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SEP 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Varanasi, et al. :
Application No. 10/699,567 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. 003.P004 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "we no longer represent this client", does not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP
20333 SH 249
Suite 600
Houston, TX 77070

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston, TX 77070

Mail Date: 04/21/2010

Applicant	: Surya Varanasi	: DECISION ON REQUEST FOR
Patent Number	: 7593336	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,567	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **981** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Wong Cabello Lutsch Rutherford & Brucculeri LLP
20333 Tomball Parkway, 6th Floor
Houston, TX 77070

Mail Date: 05/18/2010

Applicant : Surya Varanasi
Patent Number : 7593336
Issue Date : 09/22/2009
Application No: 10/699,567
Filed : 10/31/2003

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1037** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY AND LARDNER LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

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JUN 0 6 2006

OFFICE OF PETITIONS

In re Application of :
Majid Entezarian et al :
Application No. 10/699,573 : DECISION GRANTING PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 065640-0221 :

This is a decision on the petition, filed June 2, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 6, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1724 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment and Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\June9\699573.wpd

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL
17950 PRESTON ROAD
SUITE 1000
DALLAS, TX 75252

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APR 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Chung-Hu Ke et al :
Application No. 10/699,574 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. TSM03-0660 :

This is a decision on the petition, filed March 14, 2005, to correct the incorrectly spelled name of one of the named inventors.

The petition is **DISMISSED** as moot.

The declaration submitted with the original application listed the first-named inventor as "Chung-Hu Ge." The instant petition states that the name should have been "Chung-Hu Ke." Since the petition involves a name correction, rather than a name change. Therefore, the petition is dismissed as involving a moot issue.[1] A copy of the corrected filing receipt is enclosed.

No fee is required and none has been charged.

Telephone inquiries related to this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt

[1] MPEP 605.04

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 14, 2008

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/699582 Patent No.: 7335377 B2

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

✓ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

/Kathleen Kerr Bragdon/ 1656
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

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FEB 11 2005

OFFICE OF PETITIONS

In re Application of	:	
Rahmi Hezar, et. al.	:	
Application No. 10/699,585	:	ON PETITION
Filed: October 31, 2003	:	
Attorney Docket No. TI-36533	:	

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on January 5, 2005, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 7, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight September 7, 2004.

In response, petitioner submitted with the instant petition an amendment, and authorization to charge, the listed deposit account, $1,500 for the petition to revive fee. As authorized, the above fee has been charged to petitioner's deposit account.

The petition is **GRANTED**.

The application file is being referred to Technology Center Art Unit 2819, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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KEVIN M. ABLE
CORNING INCORPORATED
INTELLECTUAL PROPERTY DEPT.
SP-TI-3
CORNING, NY 14831

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FEB 2 2 2007

OFFICE OF PETITIONS

In re Application of :
Douglas C. Allan, et al. :
Application No. 10/699,591 : DECISION ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. SP03-146 :

This is a decision on the petition, filed July 10, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed August 24, 2005, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on June 26, 2006.

Petitioner asserts that the Notice of Non-Compliant Amendment dated January 18, 2006 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of January 18, 2006. In this regard, the Office received a Revocation and Power of Attorney (Power), including a change of address, on January 17, 2006, prior to the mailing of the Office action of January 18, 2006. Office records were not updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed June 26, 2006 is hereby vacated.

It is noted that the Power submitted on January 17, 2006 was improperly accepted by the Office on February 7, 2006. The Power appears to be signed on behalf of the assignee; but it does not comply with 37 CFR 3.73(b) in that the reel and frame number where the recorded assignment appears in the assignment records of the USPTO has not been provided. Therefore, in order for the power of attorney to be acceptable, compliance with 37 CFR 3.73(b) must be satisfied. A

form for complying with the requirements of 37 CFR 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

In order to resolve any ambiguity in the filing of the reply, this application is being referred to the Technology Center technical support staff of Art Unit 2125 for (1) withdrawing the holding of abandonment, (2) re-mailing the Notice of Non-Compliant Amendment of January 18, 2006; and (3) restarting the period for reply.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

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NOV 20 2006

OFFICE OF PETITIONS

In re Application of :

RICHARDSON :
Application No. 10/699,594 : DECISION ON PETITION
Filed: October 30, 2003 : TO WITHDRAW
Attorney Docket No. 1874.001US1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Suneel Arora on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Hal Richardson at the address indicated below.

There is an outstanding Office action mailed October 10, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: Hal Richardson
1220 E. Sagebrush
Gilbert, AZ 85296

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DIW Jul-07

JACKSON WALKER LLP
901 MAIN STREET
SUITE 6000
DALLAS TX 75202

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JUL 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Draghia-Akli et al.	:	DECISION ON PETITION TO
Application No. 10/699597	:	WITHDRAW HOLDING OF
Filed: 10/30/2003	:	ABANDONMENT
Attorney Docket No.	:	
108328.00161 (AVSI-0027)	:	

This is a decision on the petition filed on 25 May, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely reply to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES ("the Notice") mailed on 6 July, 2006, which set a one (1) month shorted statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioners assert that the Notice mailed on 6 July, 2006, was never received.

In the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the

Office communication was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice may have been lost after receipt rather than a conclusion that the Notice was lost in the mail.

A review of the record indicates that the Notice was properly mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Notice on the part of the United States Patent and Trademark Office.

In support, the petition includes a statement from the practitioner, T. Ling Chwang, Reg. No. 33,590, stating that the Notice was not received by the practitioner, and attesting to the fact that a search of the file jacket indicates that the Office action was not received. A copy of the docket record for the instant application, where the non-received Office action would have been entered had it been received and docketed, is attached.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, any Notice of Abandonment is vacated, and the holding of abandonment withdrawn.

The petition is **GRANTED.**

It is noted that applicant has filed a response to the Notice mailed on 6 July, 2006, with the present petition. As such the Notice will not be remailed.

The application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAYER & WILLIAMS PC
251 NORTH AVE WEST
2ND FLOOR
WESTFIELD NJ 07090

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MAY 0 1 2006

OFFICE OF PETITIONS

In re Application of :
Evangelides, Jr., et al. :
Application No. 10/699,604 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 9005/22 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 27, 2006.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed April 5, 2005. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the above identified application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on October 18, 2005.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an amendment.

The application file is being forwarded to Group Art Unit 2633 for consideration of the amendment filed March 27, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NW
Washington, DC 20006

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JUL 2 8 2006

OFFICE OF PETITIONS

In re Application of :
Dominic Plunkett :
Application No. 10/699,606 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. 093053.00001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2005.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kevin B. Buford on behalf of all attorneys of record.

Kevin B. Buford has been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding Office action mailed May 11, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Monica Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TIMOTHY J MARTIN, PC
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD CO 80226

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OCT 18 2005

OFFICE OF PETITIONS

In re Application of :
Michael L. SHACKELFORD et al. :
Application No. 10/699,622 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. 1997 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed December 17, 2004, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 18, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement of December 17, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 3651 for appropriate action on the concurrently filed election.

Brian Hearn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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COOLEY GODWARD KRONISH LLP
ATTN: PATENT GROUP
SUITE 500
1200 – 19TH STREET, NW
WASHINGTON, DC 20036-2402

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SEP 07 2007

OFFICE OF PETITIONS

In re Application of :
Javier Saenz :
Application No. 10/699,631 : DECISION ON PETITION
Filed: October 30, 2003 : TO WITHDRAW
Attorney Docket No. VCAT-001/03US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 16, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Cooley, Godward & Kronish, LLP has been revoked by the assignee of the patent application on August 16, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: DAVID OLYNICK, ESQ.
BEYER, WEAVER & THOMAS, LLP
500 12TH STREET
SUITE 200
OAKLAND, CA 94607

PTO/SB/83 (01-06)
Approved for use through 12/31/2008. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/699,631
Filing Date	October 30, 2003
First Named Inventor	Javier Saenz
Art Unit	3622
Examiner Name	
Attorney Docket Number	VCAT-001/03US

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the attorneys/agents of record.

☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or

☑ the attorneys/agents associated with Customer Number 22,903; 23,419; 58,249

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Client requested transfer of files to new counsel.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name	David Olynick, Esq., Beyer Weaver & Thomas LLP				
Address	500 12th Street, Suite 200				
City	Oakland	State	CA	Zip	94607
Country	USA				
Telephone		Email			
Signature					
Name	Kevin J. Zimmer	Registration No.	36,977		
Date	March 15, 2007	Telephone No.	858-550-6241		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/699,631	10/30/2003	Javier Saenz	VCAT-001/03US

CONFIRMATION NO. 3077

OC000000025548342

23419
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 500
1200 - 19th Street, NW
Washington, DC 20036-2402

Date Mailed: 08/24/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/16/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

APR 18 2005
Mailed:_____

MEB
Paper Number:

_____

In re application of :
Toshio Morita, et al. : DECISION ON
Serial No. 10/699,645 : PETITION
Filed: November 04, 2003 :
For: Fine Carbon Fiber, Method For Producing The Same And Electrically Conducting Material Comprising The Fine Carbon Fiber :

This is a response to the request to rescind the Notice of Abandonment, filed January 21, 2005. This request is treated as a PETITION TO WITHDRAW ABANDONMENT, under 37 C.F.R. 1.181 (no fee required). The petition requests that the abandonment, as set forth in the Notice of Abandonment of November 22, 2004, for failure to timely reply to the office action of May 13, 2004 be withdrawn. The petitioner asserts that the response was timely filed on June 14, 2004. The petitioner has provided a copy of the date-stamped receipt card evidencing the filing of the response on June 14, 2004, and a copy of the response to the office action filed June 14, 2004.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding a Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed.

As set forth in MPEP 711.03(c), 37 CFR 1.10(c) through 1.10(e) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 CFR 1.10(c), (d), or (e) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt. Where a certificate of mailing or transmission under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

The petitioner's showing of the copy of the date-stamped receipt card evidencing the filing of the response on June 14, 2004 is sufficient. The application will be forwarded to the examiner for processing and consideration of the papers filed June 14, 2004, a copy of which is provided as an attachment to the instant petition.

The Petition is **Granted**.

JMStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Sheldon I. Landsman
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08-27-08

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/699658 Patent No.: 7359573

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: X

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch
703-308-9390 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments: Approved as to matters not affecting claim scope.

/Brian P. Werner/ 2624

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

Mail Date: 05/25/2010

Applicant	: Christophe Gustave	: DECISION ON REQUEST FOR
Patent Number	: 7631344	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/699,665	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1021** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of
Rogerio Jun Minzuno :
Application No. 10/699,699 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. **P24117** :

This is a decision on the "PETITION TO EXPUNGE UNDER RULE 59(B)," filed June 23, 2006, to expunge a portion of the above-identified application identified as having been inadvertently filed.

Petitioners request expungement and return of an Information Disclosure Statement (IDS) inadvertently filed. Petitioners advise that the IDS filed February 4, 2004 incorrectly identified the application number as 10/699,669 but should have identified the application number as 10/699,669, another application being prosecuted by the petitioners.

Applicant has established to the satisfaction of the Director that a supplemental IDS was filed in application number 10/699,669 and that expunging the IDS filed February 4, 2004 in the instant application is appropriate.

However, the present application as filed has been scanned and is maintained in the Office in an Image File Wrapper (IFW). The instant request is not for national security reasons. Thus, the pages will not be removed from the IFW. Instead, the Office has "hidden" the second IDS inadvertently filed on February 4, 2004 in this application. See *Reminder of the Proper Procedure for Filing Confidential Information Pursuant to MPEP 724.02(signed April 23, 2004)*, 1282 OG 107 (May 18, 2004).

Accordingly, the petition is **GRANTED**.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/18/07

TO SPE OF : ART UNIT 2629

SUBJECT : Request for Certificate of Correction for Appl. No.: 10699704 Patent No.: 7193589

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

change to claims approved?

DAVID IRVINE
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: Yes, changes to claims are approved.

Thanks!

Ricardo Osorio

AMR A. AWAD
SUPERVISORY PATENT EXAMINER 2629
SPE **Art Unit**

PTO/SB/44 (07-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Ser. No. 10699704
PATENT NO.: 7,193,589 B2

DATED: **March 20, 2007**

INVENTOR(S): **Takayoshi YOSHIDA et al.**

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claims

Please change "the EL element" to –the light emitting element– at Column 16, lines 18, 26, 36, 46, 56, and 64; Column 17, lines 13, 18, and 29; and Column 18, lines 2, 12, and 25.

MAILING ADDRESS OF SENDER:
Westerman, Hattori, Daniels & Adrian, LLP
1250 Connecticut Avenue NW - Suite 700
Washington, DC 20036-2657

PATENT NO. 7,193,589

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
PO BOX 655474, M/S 3999
DALLAS TX 75265

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FEB 17 2010

In re Application of :
Mondragon-Torres et al :
Application No. 10/699,707 : DECISION ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. TI-35731 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed March 5, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the reply received November 19, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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J. MARK HOLLAND AND ASSOCIATES
3 SAN JOAQUIN PLAZA
SUITE 210
NEWPORT BEACH, CA 92660

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OFFICE OF PETITIONS

In re Application of William Low :
Application No. 10/699,710 : Decision on Petition
Filing Date: November 3, 2003 :
Attorney Docket No. QUES1-P2960 :

This is a decision on the petition under 37 CFR 1.137(a), filed June 19, 2006, to revive the above-identified application.

The petition is **granted.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed March 13, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 14, 2006.

The instant petition seeks revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

The Office of Initial Patent Examination will be informed of the instant decision and will issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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ROBERT D. VARITZ, P.C.
4915 SE 33RD PLACE
PORTLAND OR 97202

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JUN 0 1 2006

OFFICE OF PETITIONS

In Application of :
Simmons :
Application No.: 10/699,716 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No.: J-BSIM.1007 :
For: ANGLE-SECTION COLUMN/BEAM CONNECTOR

This is a decision on the petition under 37 CFR 1.181, filed December 21, 2005 to withdraw the holding of abandonment in the above-identified application and the petition under 37 CFR 1.137(b), filed April 26, 2006, to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED.**[1]

The petition under 37 CFR 1.137(b) is **GRANTED.**

The Office contends that the above-identified application became abandoned for failure to submit a reply to the April 13, 2005 non-final Office action, which set an extendable three month period for reply. No reply being received, the Office considered this application abandoned on July 14, 2005. A Notice of Abandonment was mailed on December 5, 2005.

Petitioner alleges that the April 13, 2005 non-final Office action was not received due to Office error in mailing the correspondence to an incorrect address.

A review of the record indicates no irregularity in the mailing of the April 13, 2005 non-final Office action, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record.

Petitioner requests that the holding of abandonment be withdrawn because petitioner contends that the Office mailed the correspondence to an incorrect address – in particular, an incorrect zip

[1] The undersigned rendered a decision on the petition under 37 CFR 1.181 in March 2006. It appears that petitioner received this decision, but it was not entered into Office databases. Therefore, to close out Office records, the prior Rule 181 decision has been incorporated into the present decision.

code. A review of the oath/declaration submitted with the original application papers reveals that the Office was **expressly directed** to send correspondence to:

ROBERT D. VARITZ, P.C.
2007 S.E. GRANT STREET
PORTLAND, OREGON 97201

The above address is precisely where the April 13, 2005 non-final Office action was mailed. An applicant is responsible for specifying a correct correspondence address. A delay caused by the failure on the part of the petitioner to provide the Office with a current correspondence address does not constitute an unavoidable delay. See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

The application became abandoned because applicant did not inform the Office of the correct correspondence address; therefore, the petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Applicant has submitted an amendment in reply to the April 13, 2005 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the April 13, 2005 non-final Office action, and the petition fee.

The petition under 37 CFR 1.137(b) is **granted**.

The correspondence address for this application is the address associated with Customer Number 56703.

After the mailing of this decision the application will be forwarded to Technology Center AU 3673 for consideration of the amendment filed on April 26, 2006.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

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SEP 19 2007

OFFICE OF PETITIONS

In re Patent No. 7,233,377 :
Issue Date: June 19, 2007 :
Application No. 10/699,736 : NOTICE
Filed: November 4, 2003 :
Attorney Docket No. SUND 319C1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Liana Walsh
Petitions Examiner
Office of Petitions

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ARLENE J. POWERS
GAUTHIER & CONNORS LLP
225 FRANKLIN STREET, SUITE 3300
BOSTON, MA 02110

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of :
Stanley Green :
Application No. 10/699,755 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 7325 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed July 21, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 22, 2004.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being forwarded to the Publishing Division.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MAY 31 2007

OFFICE OF PETITIONS

HAYNES BEFFEL & WOLFELD LLP
P.O. BOX 366
HALFMOON BAY, CA 94019

In re Application of :
Albert Sun et al :
Application No. 10/699,756 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. MXIC 1521-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 9, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 10, 2006.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2186 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-06

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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JAN 17 2006

OFFICE OF PETITIONS

In re Patent No. 6,943,590 :
Issued: 13 September, 2005 :
Application No. 10/699,777 : ON PETITION
Filed: 4 November, 2003 :
Atty Dckt No. 283579/01 DIV :

This is a decision on the petition filed on 29 September, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted**.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

It is noted that petitioner submitted $400.00 with the present petition. However, only a processing fee of $130.00 and certificate of correction fee of $100.00 are due. The balance will be credited to counsel's deposit account, No. 50-0481.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

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JAN 18 2005

OFFICE OF THE DIRECTOR
TC 3600

RICHARD C. LITMAN
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington, VA 22215

In re application of
Richard Harris
Application No. 10/699,792
Filed: November 04, 2003
For: VARIABLE WIDTH BACKHOE BUCKET

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on November 04, 2003, under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Mr. Harris indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 01/03/05

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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MAR 29 2006

OFFICE OF PETITIONS

In re Application of :
Shou Nagao et al :
Application No. 10/699,797 :
Filed: December 4, 2003 :
Attorney Docket No. 12732-103002 :

ON PETITION

This is a decision on the petition filed March 28, 2006, which is being treated under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 23, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

This matter is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: FISH & RICHARDSON P.C.
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005-3500

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MAY 11 2007

OFFICE OF PETITIONS

F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

In re Application of :
Jin Jeon et al :
Application No. 10/699,813 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 8054L-205T :

This is a decision on the petition, filed May 11, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 9, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2629 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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FOURTH FLOOR
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of :
Shih Hsien Huang :
Application No. 10/699,840 : DECISION GRANTING PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. HUAN3221/EM :

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Non-final Rejection of May 6, 2005, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 3679.

Karen Creasy
Petitions Examiner
Office of Petitions

Pet. Dec.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Mailed: MAY 18 2004 CST

In re application of
Chi S. Wang
Serial No. 10/699,857
Filed: November 3, 2003
For: PLASMA REFORMER FOR HYDROGEN PRODUCTION FROM WATER AND FUEL

DECISION ON PETITION

This is a decision on the petition filed March 12, 2004 requesting that the above-identified application be granted Special Status under sections 708.02(V) and (VI) of the MPEP and 37 CFR 1.102(c) – no fee required.

The request for Special Status is granted because the criteria set forth in MPEP 708.02 (V) and (VI) and 37 CFR 1.102(c) has been met.

The petition is GRANTED.

Christine Tierney
Special Program Examiner, Technology Center 1700
571-272-1055

PHILIP H. KIER
321 HOME AVENUE
OAK PARK IL 60302

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :

LUTNICK, Howard W. et al. :
Application No. 10/699,858 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. **CF-86** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Laurence Rogers on behalf of all attorneys of record who are associated with customer No. 64558. All attorneys/agents associated with the Customer Number 64558 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed February 25, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **HOWARD W. LUTNICK**
180 EAST 64TH STREET
NEW YORK, NY 10021

cc: **DEAN P. ALDERUCCI**
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

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MAR 3 1 2008

OFFICE OF PETITIONS

In re Application of :

LUTNICK, Howard W. et al. :
Application No. 10/699,859 : DECISION ON PETITION
Filed: October 31, 2003 : TO WITHDRAW
Attorney Docket No. **CF-78** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Laurence Rogers on behalf of all attorneys of record who are associated with customer No. 64558. All attorneys/agents associated with the Customer Number 64558 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **HOWARD W. LUTNICK**
180 EAST 64TH STREET
NEW YORK, NY 10021

cc: **DEAN P. ALDERUCCI**
CANTOR FITZGERALD, L.P.
110 EAST 59TH STREET (6TH FLOOR)
NEW YORK, NY 10022

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FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH MI 48170-2455

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APR 0 3 2007

OFFICE OF PETITIONS

In re Application of :
Martin NOVIL et al. :
Application No. 10/699,901 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 03-0019/CPA :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 27, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3673 for appropriate action on the amendment filed February 27, 2007, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/699,901	11/03/2003	3673	1854	03-0019/CPA	58	2

CONFIRMATION NO. 4385

29293
FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH, MI 48170-2455

CORRECTED FILING RECEIPT

OC000000023225019

Date Mailed: 04/03/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Martin Novil, Northville, MI;
Yingjie Kong, Canton, MI;
Scott M. Anderson, Canton, MI;
Ronald W. Wangerow, Novi, MI;

Power of Attorney: The patent practitioners associated with Customer Number **29293**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/650,339 08/28/2003 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/699,901

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SEALING GASKET WITH FLEXIBLE STOPPER

Preliminary Class

277

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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SEP 2 0 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Masayuki Suzuki :
Application No. 10/699,933 :
Filed: November 4, 2003 :
Attorney Docket No. 00684.003545 :

This is a decision on the petition, filed September 17, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 5, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 2851 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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OFFICE OF PETITIONS

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	
John Wentworth Bucknell	:	
Application No. 10/699,948	:	ON PETITION
Filed: November 3, 2003	:	
Attorney Docket No. 57104 CONT	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed September 15, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 16, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

Mail Date: 04/21/2010

Applicant	: Ian Zetterstrom Smith	: DECISION ON REQUEST FOR
Patent Number	: 7584542	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/699,974	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **9** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SUITE 1600
CHICAGO IL 60603-3406

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Robin Haley Gustin et al.
Application No. 10/699,978
Filed: November 3, 2003
Atty's Docket No. 79739 (6339)

This is a decision on the petition under 37 CFR 1.182, filed March 29, 2004 in response to the Notice To File Missing Parts mailed February 13, 2004.

The application was filed November 3, 2003. However, on February 13, 2004 the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting some inadequacies with the oath or declaration and the requirement for a late filing surcharge. The Notice also indicated that drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 would be required. This decision acknowledges receipt of the replacement oath or declaration and drawings.

Additionally, the Notice indicated that while the application had been accorded a filing date of November 3, 2003, Figures 17c-25 described in the specification appeared to have been omitted.

Petitioner asserts that the papers containing Figures 17c-25 were among the papers filed on November 3, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. A review of the official file reveals fifty (50) pages of drawings including Figures 1-17b. The postcard receipt, identifies the application and acknowledges, inter alia, the number of drawing sheets to be eighty-eight (88) and bears a United States Patent and Trademark Office date-stamp of November 3, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed. It is concluded that the replacement drawings of Figures 17c-25 makes up thirty-eight (38) sheets of drawings and therefore accounts for a total of eighty-eight (88) sheets of drawings.

In view of the foregoing, the petition is **Granted.** The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, no petition fee is due and none has been charged.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on November 3, 2003 and the drawing sheets containing Figures 17c-25 submitted on petition March 29, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Paper No. None

PATENT FOCUS, INC
C/O RICHARD C. MCCOMAS
208 MARK LN
SMYRNA GA 30082

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JUN 16 2006

OFFICE OF PETITIONS

In re Application of
Francois Loignon
Application No. ~~10/669,293~~ 10/699,993
Filed: November 3, 2003
Attorney Docket Number: L 1022.04
Title: METHOD AND APPARATUS FOR FORMING RADIUS BENDS IN METAL FRAMES

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on February 2, 2006.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

on September 17, 2005. A Notice of Abandonment was mailed on October 28, 2005.

With the present petition, Petitioner has submitted the petition fee, the issue fee, and the proper statement of unintentional delay.

As such, the petition is **GRANTED**.

After the mailing of this decision, the Office of Patent Publications will be notified of the same so that the present application can be processed into a patent.

The phone number for the Office of Patent Publication is (571) 272-4200. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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Paper No. None

PATENT FOCUS, INC
C/O RICHARD C. MCCOMAS
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JUN 16 2006

OFFICE OF PETITIONS

In re Application of :
Francois Loignon :
Application No. 10/669,293 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: L :
1022.04 :
Title: METHOD AND APPARATUS FOR :
FORMING RADIUS BENDS IN METAL :
FRAMES :

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on February 2, 2006.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

Copied from 10669293 on 08/02/2006

on September 17, 2005. A Notice of Abandonment was mailed on October 28, 2005.

With the present petition, Petitioner has submitted the petition fee, the issue fee, and the proper statement of unintentional delay.

As such, the petition is **GRANTED**.

After the mailing of this decision, the Office of Patent Publications will be notified of the same so that the present application can be processed into a patent.

The phone number for the Office of Patent Publication is (571) 272-4200. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Copied from 10669293 on 08/02/2006

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BILLERICA MA 01821

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OFFICE OF PETITIONS

In re Application of :
Andrew Bartlett et al. :
Application No. 10/700,005 : DECISION DISMISSING
Filed: November 3, 2003 : PETITION
Attorney Docket No. MCA-460 D PC/US :

This is a decision on the petition filed October 28, 2004, in response to the Notice of Omitted Items mailed October 6, 2004, requesting that Figure 10 be accepted as having been filed with the original application. The petition is being treated under 37 CFR 1.182.

On November 3, 2003 the application was filed.

On October 6, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of November 3, 2003, but Figure 10 described in the specification appeared to have been omitted from the application.

In response, on October 28, 2004, the present petition was filed. Petitioners argue a complete application was present on November 3, 2003 and point to the application transmittal letter as evidence that Figure 10 was among the papers filed upon application. Petitioners request that the application be accorded a filing date of November 3, 2003, with Figure 10 as a part of the original disclosure.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

Unfortunately, the application transmittal letter is, at best, only evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO.

The petition is DISMISSED.

The copy of Figure 10 supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may file Figure 10 as a preliminary amendment. If Figure 10 is filed as a preliminary amendment, the amendment will be reviewed for new matter.

As the evidence presented is not sufficient to prove that Figure 10 was filed with the application when filed, the evidence is insufficient to show that the error was committed by the USPTO and thus, the petition fee will not be refunded.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of November 3, 2003, using only the application papers filed on that date and not the copy of Figure 10 submitted with the petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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wk

Mailed: 3-14-07

In re application of	:	
Evans et al.	:	DECISION ON
Serial No. 10/700,025	:	PETITION
Filed: November 3, 2003	:	
For: ANODE-SUPPORTED FLAT-TUBULAR SOLID OXIDE FUEL CELL STACK AND FABRICATION METHOD OF THE SAME		

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed March 2, 2007.

On March 2, 2007, a final office action was mailed to applicants rejecting various claims on new grounds not necessitated by applicants' amendment.

DECISION

Section 706.07 of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The petition for withdrawal of finality is **GRANTED.**

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

LAW OFFICE OF DELIO & PETERSON, LLC.
121 WHITNEY AVENUE
3RD FLOOR
NEW HAVEN CT 06510

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JUN 2 2004

Office of the Director
Group 3600

DOROTHY S. MORSE, ESQ.
515 PARK DRIVE, NW
BRADENTON, FL 34209-1847

In re application of : **DECISION ON PETITION**
Samuel Tafoya, et al : **TO MAKE SPECIAL**
Application No. 10/700,027 : **(APPLICANT'S AGE)**
Filed: November 3, 2003 :
For: MARINE REACTION THRUSTER

This is a decision on the petition submitted on November 3, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a birth certificate submitted by Mr. Tafoya indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/dcg: 5/25/04

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DOROTHY S. MORSE, ESQ.
515 PARK DRIVE, NW
BRADENTON FL 34209-1847

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OFFICE OF PETITIONS

In re Application of :
Samuel Barran TAFOYA et al. :
Application No. 10/700,027 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 0310-TAFO :

This is a decision on the petition under 37 CFR 1.137(b), filed October 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 19, 2005, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on August 20, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to the Office of Patent Publication.

Brian Hearn
Petitions Examiner
Office of Petitions

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BANNER & WITCOFF,LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Derek Campbell et al :
Application No. 10/700,043 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 005127.00179 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Appeal Brief; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3781 for appropriate action by the Examiner in the normal course of business on the reply received May 1, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

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JUN 23 2006
OFFICE OF PETITIONS

In re Application of :
Lothar E.S. Budike, Jr. :
Application No. 10/700,058 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No.: 28086.001.00-US :

This is a decision on the petition, filed June 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 13, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2125 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-01-09

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/700065 Patent No.: 7522506

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Angela Green
Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

/Joesph H. Feild/
SPE Art Unit 2627

SPE **Art Unit** ~~2627~~

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Paper No.

Ashok Tankha
Of Counsel, Lipton, Weinberger & Husick
36 Greenleigh Drive
Sewell NJ 08080

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OFFICE OF PETITIONS

In re Application of :
Bjornson et al. : DECISION ON PETITION
Application No. 10/700,071 : and
Filed: November 3, 2003 : NOTICE OF NONACCEPTANCE
Title: METHOD AND APPARATUS : OF POWER OF ATTORNEY
FOR HIGH-PERFORMANCE SEQUENCE :
COMPARISON:

This is a decision on both the Petition to Expedite Review and the Petition for Revival of an Application for Patent Abandoned Unintentionally, both filed February 20, 2007. This decision is mailed in light of the supplement to petition filed March 1, 2007.

The petition includes payment of the petition fee under 1.182, along with an adequate showing that the relief requested is warranted. Accordingly, the petition is being considered out of turn.

The petition under § 1.182 is **GRANTED**.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 15, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective September 16, 2006. The instant petition precedes the mailing of a courtesy Notice of Abandonment.

With the supplement to petition, petitioner submitted a proper 3.73(b) statement authorizing assignee Turbo Worx, Inc. to take

action in this case. See 37 CFR 3.73. The petition did not as stated include a separate power of attorney. Assignee needs to complete a power proper of attorney to have an attorney of record in this case. Nonetheless, the petition is considered, pursuant to 37 CFR 1.34, as having been filed by a registered patent attorney.

The petition includes the required reply in the form of an amendment and payment of the petition fee. No terminal disclaimer is required.

The statement of unintentional delay is made by the assignee. The record supports a conclusion that Turbo Worx, Inc. was the assignee at the time the response to the Office action was due. While the Office reserves the authority to require further information concerning the cause of abandonment and delay in filing a petition to revive, the Office relies upon the applicant's duty of candor and good faith and accepts the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" without requiring further information in the vast majority of petitions under 37 CFR 1.137(b). This is because the applicant is obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when a practitioner provides this statement to the Office. In addition, providing an inappropriate statement in a petition under 37 CFR 1.137(b) to revive an abandoned application may have an adverse effect when attempting to enforce any patent resulting from the application. See Lumenyte Int 'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996)(unpublished)(patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

Technology Center AU 2163 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed February 20, 2007 (and resubmitted March 1, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STALLMAN & POLLOCK, LLP
353 SACRAMENTO STREET
SUITE 2200
SAN FRANCISCO, CA 94111

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JUN 23 2008

OFFICE OF PETITIONS

In re Patent No. 7,154,607 :
Issue Date: December 26, 2006 :
Application No. 10/700,086 : NOTICE
Filed: November 3, 2003 :
Patentee(s): James Lee Hendrix, et. al. :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on February 25, 2008. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED.** Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAR 25 2005

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MAR 25 2005

OFFICE OF THE DIRECTOR
TC 3600

Chi-Jung Wang
7F., No. 213
Civic Boulevard. Sec. 4
Taipei,
105
Taiwan

In re Application of :
Chi-Jung Wang :
Application No. 10/700,115 :
Filed: October 31, 2003 :
For: ANTI-THEFT COMBINATION LOCK FOR CAR

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO), on October 27, 2004.

The petition is **DISMISSED.**

A review of the file record reveals that the application became abandoned for failure to respond to the Office action mailed to applicant on April 1, 2004. A Notice of Abandonment was mailed on October 14, 2004.

Applicant's petition indicates that the Office action was never received. In support thereof applicant has provided a log of papers received. This is not considered to be a docket record.

There is a strong presumption that Office communications properly addressed and delivered to the United States Postal Services, are in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

(1) A statement from the practitioner stating the Office communication was not received by the practitioner;

(2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

(3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include **a copy of the list of all responses in the practitioner's office with the due date at and around July 1, 2004**. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

The petitioner has failed to comply with requirement (3) indicated above. Applicant has only set forth that the Office action mailed April 1, 2004 was not received or placed in the file for application 10/700,115. A complete docket record with a copy of the list of all responses in the practitioner's office with the due date at and around July 1, 2004 is required.

Petitioner's evidence of non-receipt of the Office action mailed April 1, 2004 is insufficient to withdraw the holding of abandonment, and the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kenneth J. Dorner
Special Program Examiner
Patent Technology Center 3600
(703) 308-0866

KJD/jwk: 3/22/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FROM DIRECTORS OFFICE

JUL 26 2005

TECHNOLOGY CENTER 3600

Chi-Jung Wang
7F., No. 213
Civic Boulevard, Sec. 4
Taipei,
105
Taiwan

In re Application of	:	
Chi-Jung Wang	:	DECISION ON PETITION
Application No. 10/700,115	:	TO WITHDRAW THE
Filed: October 31, 2003	:	HOLDING OF
For: ANTI-THEFT COMBINATION LOCK FOR CAR	:	ABANDONMENT

This is in response to applicant's renewed petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on May 9, 2005.

The petition is **DISMISSED**.

A review of the file records reveals that the application was held abandoned for failure to timely file a reply to the non-final Office action mailed April 1, 2004. A Notice to that affect was mailed October 14, 2004.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received.The dismissal of applicant's previous petition mistakenly included the requirements for statements showing non-receipt of papers when an attorney is representing the applicant. The Office apologizes for this error, and the requirements for pro se applicants are stated below.

For a pro se applicant 1156 O.G. 53 does not apply, therefore statements of non-receipt should include a statement by the applicant, *and by anyone else at*

applicant's correspondence address who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records *or other method* which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record or that the correspondence address was a functioning one at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Applicant's petition of May 9, 2005 does not include any statement by the applicant that the office action was not received, nor any statement that the applicant was at the correspondence address at the time the office action would have been received. Also, no showing has been made of any docket records or any other method that serves as a reminder of a response due date.

Applicant states that the office communication mailed October 14, 2004 was not received, however this communication was the Notice of Abandonment.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/js: 7/21/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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Chi-Jung Wang
7F., No. 213
Civic Boulevard. Sec. 4
Taipei 105 TW TAIWAN

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JAN 0 4 2006

OFFICE OF PETITIONS

In re Application of

Chi-Jung Wang

Application No. 10/700,115

Filed: October 31, 2005

Attorney Docket No. P01889-F001

DECISION ON PETITION

This is a decision on the second renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The second renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on July 2, 2004, after no response was received to the non-final Office action mailed April 1, 2004. The non-final Office action allowed a period for reply of three months from its mailing date Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on October 14, 2004, indicating that a reply to the non-final Office action was not received.

Petitioner has established that petitioner did not receive the non-final Office action. The holding of abandonment is withdrawn, accordingly.

No petition fee is due.

The application file is being forwarded Technology Center 3600, GAU 3676, for further processing, including resetting of time period for response to the non-final Office action first mailed April 1, 2004.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/700,129	11/03/2003	2861	1614	200208583-1	4	43	8

CONFIRMATION NO. 3706

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

CORRECTED FILING RECEIPT

OC000000012226548

Date Mailed: 03/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Christopher S. Tanner, La Mesa, CA;
Robert W. Beauchamp, Carlsbad, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/10/2004

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Drum printer with spittoon and method for servicing

Preliminary Class

347

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768

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OCT 11 2007

OFFICE OF PETITIONS

In re Application of :
Agustin Gonzales-Tuchmann et al :
Application No. 10/700,152 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 5854-00200 :

This is a decision on the petition, filed, June 21, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 3, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 2192 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/700,152	11/03/2003	Agustin Gonzales-Tuchmann	5854-00200

CONFIRMATION NO. 3829

35617
DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768

Date Mailed: 10/10/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is WDAB.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

! Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Kent H. Cheng, Esq.
Cohen, Pontani, Lieberman & Pavane
Suite 1210
551 Fifth Avenue
New York NY 10176

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FEB 0 6 2008

OFFICE OF PETITIONS

In re Patent No. 7,067,715 :
Issue Date: June 27, 2006 :
Application No. 10/700,158 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 5223-4 :

This is a decision on the petition filed January 8, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to add the name of an assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Carl Friedman at (571) 272-6842. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Carl Friedman
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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United States Patent and Trademark Office
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DAVIS, BROWN, KOEHN, SHORS & ROBERTS, PC
THE DAVIS BROWN TOWER
215 10TH STREET, SUITE 1300
DES MOINES, IA 50359

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SEP 15 2008

In re Application of :
Robert T. LONG SR., et al :
Application No. 10/700,159 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 1547520/69700 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 14, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). *See* MPEP 711.03(c)(III)(A)(2). Since the amendment submitted with the petition on April 14, 2008, does not *prima facie* place the application in condition for allowance (see attached Advisory Action), the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-

Thurman Page
Petitions Examiner
Office of Petitions

cc: EMILY E. HARRIS
THE FINANCIAL CENTER
666 WALNUT STREET, SUITE 2500
DES MOINES, IA 50309-3393

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/700,159	**Applicant(s)** LONG ET AL.	
	Examiner William V. Gilbert	**Art Unit** 3635	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art Unit 3635

/W. V. G./
Examiner, Art Unit 3635

Continuation of 3. NOTE: the rejection of claims 1-4, 6 and 7 would be sustained as in the office action dated 24 July 2007. New claim 8 provides the same structural limitations as claim 1, but with different functional language that would result in the same rejection as claim 1 if it were examined.

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DAVIS, BROWN, KOEGH, SHORS & ROBERTS, PC
THE DAVIS BROWN TOWER
215 10TH STREET, SUITE 1300
DES MOINES, IA 50359

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JAN 06 2009

OFFICE OF PETITIONS

In re Application of :
Robert T. LONG, SR., :
Application No. 10/700,159 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 1547520/69700 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 24, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 25, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) the required statement of unintentional delay have been received.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3635 for processing of the RCE and for appropriate action by the Examiner in the normal course of business.

Thurman Page
Petitions Examiner
Office of Petitions

cc: EMILY E. HARRIS
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 WALNUT ST., SUITE 2500
DES MOINES, IA 50309

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 10700159 Total Records Found: 8

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
11/19/2008	00000016	1	2801	$405.00	11/19/2008	CK
04/15/2008	00000093	1	2453	$770.00	04/14/2008	CK
05/03/2007	00000032	1	2253	$510.00	05/02/2007	CK
11/24/2004	00000093	4	8021	$40.00	11/24/2004	CC
07/22/2004	00000072	1	2051	$65.00	07/22/2004	CK
11/06/2003	00000029	1	2001	$385.00	11/03/2003	CK
11/06/2003	00000030	1	2201	$13.00	11/03/2003	DA 122250
11/06/2003	00000031	1	2201	$116.00	11/03/2003	CK

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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451-1914

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NOV 1 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Steven D. KAMINSKY	:	
Application No. 10/700,160	:	ON PETITION
Filed: November 3, 2003	:	
Attorney Docket No. FRESH - 1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed February 10, 2004, which set a shortened period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 11, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of replacement drawings; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of October 6, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence to the undersigned at (571) 272-3217.

The application is being referred to the Office of Initial Patent Examination.

Brian Hearn
Petitions Examiner
Office of Petitions

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BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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APR 21 2005

OFFICE OF PETITIONS

In re Application of :
Blackford Brauer et al :
Application No. 10/700,165 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 03-910 :

This is a decision on the petition, filed April 20, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 18, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3612 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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FOX ROTHSCHILD LLP
997 LENOX DRIVE, BLDG. #3
LAWRENCEVILLE, NJ 08648

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
David W. Brown, et al. :
Application No. 10/700,167 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No.: U 0132 OS/CRA :

This is a decision in response to the petition, filed November 12, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is not signed by a registered attorney or agent or record. However, in accordance with 37 CFR 1.34(a), the signature of Joseph F. Posillico appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed November 10, 2008. A Notice of Abandonment was mailed October 15, 2009. In response, on November 12, 2009, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The petition does not include a proper response in the present application to continue prosecution; however petitioner requests, in effect, that the application be revived for the purpose of continuity only with a divisional application concurrently filed on November 12, 2009. The petition is not accompanied by a statement of express abandonment in favor of

the filing of the continuing application. Further, it is noted that the divisional application in question was erroneously uploaded by applicant in the image file wrapper of the present application, rather than being filed as a new application in accordance with 37 CFR 1.53.

The "divisional application" has been removed from the file record of the present application and assigned Application No. 12/803,263, with a filing date of November 12, 2009.

Petitioner should noted that in order to facilitate action, the petition to revive should have included reference to the filing of a continuing application *and* a letter of express abandonment, conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, in view of the statement that the reply is the filing of a divisional application, the statement will be construed as a request to expressly abandon this application in favor of the continuing application. If this was not the intent of applicant, the Office should be promptly notified.

The petition, as construed, satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a divisional application under 37 CFR 1.53(b); (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

This application is being revived solely for the purpose of continuity with the Application No. 12/803,263, filed November 12, 2009. As continuity has been established by revival of this application, this application is again abandonment in favor of continuing Application No. 12/803,263.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Caterpillar Inc.
Intellectual Property Dept. AB6490
100 N.E. Adams
Peoria IL 61629-6490

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Shinogle et al. :
Application No. 10/700,182 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 01-635 :

This is a decision on the petition under 37 CFR 1.182, filed June 22, 2005, to change the name of the second named inventor.

The petition is **granted**.

The name of the second inventor will be changed from "Ali Uludogan" to - - Berfan K. Kochgiri- -.

The Office records have been corrected to reflect the change of the second inventor's name as noted above. A corrected filing receipt accompanies this decision.

Inquiries regarding this decision may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,183	11/03/2003	Ruben W. Castelino	200310369-1	3977

7590 04/15/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
KUO, WENSING W	

ART UNIT	PAPER NUMBER
2826	

NOTIFICATION DATE	DELIVERY MODE
04/15/2008	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

10700183
DTERRY 082025
04/14/2008 0000029
HLE333 258.00 CR
252.00 CR
Adjustment date:
11/06/2003
02 FC:1201
03 FC:1202

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KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Matthew C. Schlesener	: DECISION ON REQUEST FOR
Patent Number	: 7624175	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/700,187	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1725** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APR 21 2004

OFFICE OF PETITIONS

In re Application of :
Gowan et al. :
Application No. 10/700,197 :
Filed: November 3, 2003 : ON PETITION
Attorney Docket No. :
5964-C1-SMH :

This is a decision on the Petition Under 37 CFR 1.52(e)(2) to Accord Application Filing Date, filed March 15, 2004, requesting the above-identified application be accorded a filing date of November 3, 2003.

The petition is granted.

The application was filed on November 3, 2003. On February 11, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (hereinafter "Notice") stating, *inter alia*, that the application had not been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that the drawings are not necessary for an understanding of the invention, and are not required under 35 U.S.C. § 113.

A review of the file reveals that Petitioner is correct - the specification contains method claims. As stated in MPEP § 601.01(f), it is the practice of the PTO to treat an application that contains at least one method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. § 113 (first sentence).

MPEP § 601.01(f) also states that:

> A nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

This application contains method claims; therefore, the application should have been treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g).

In view of the above, the Notice mailed February 11, 2004, was mailed in error and is hereby withdrawn.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of November 3, 2003, and an indication that no drawings were required nor present on filing.

The petition fee has been refunded to deposit account 16-1445 as authorized in the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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THE LUBRIZOL CORPORATION
ATTN: DOCKET CLERK, PATENT DEPT.
29400 LAKELAND BLVD.
WICKLIFFE OH 44092

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DEC 0 4 2008

OFFICE OF PETITIONS

In re Application of :
David B. SKURSHA et al. :
Application No. 10/700,207 : DECISION ON PETITION
Filed: November 03, 2003 :
Attorney Docket No. 3206 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application filed on May 29, 2008 which petition is also being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application originally .

The petition under 37 C.F.R. 1.181 is **GRANTED** and thereby, the petition to revive under 37 C.F.R. 1.137(b) is **DISMISSED** as moot.

Withdraw the Holding of Abandonment

This application was held abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Office action of May 23, 2005, which set a ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of such action, whichever was longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a), i.e. up to an additional five months, were grantable. A reply, without any extensions of time, was due on or before June 23, 2005.

Petitioner states that a reply was in fact filed September 28, 2005. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on September 28, 2005 of, inter alia, a response to Notice of Abandonment, copies of items (A) and (B) of the 37 CFR 1.131 declaration, a petition to revive under 37 CFR 1.137(b) and a copy of a complete specification-clean version. A copy of the previously submitted reply accompanies the petition. Furthermore, the Application Transmittal form filed November 03, 2003, Item 8, authorized the charging of any additional fees under 37 CFR 1.17, which includes extensions of time under 37 CFR 1.136(a), during the entire pendency of the application to Deposit Account No. 12-2275.

The reply acknowledged as having been received in the USPTO on September 28, 2005 is not of record in the application file and has not to date been located. However, MPEP 503 states that "[a] post card receipt which itemizes and properly identifies the papers which are being filed

serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the September 28, 2005 reply was timely received in the USPTO on September 28, 2005.

The $2160 FIVE (5) MONTH extension fee necessary for such reply has been debited as authorized to petitioner's deposit account 12-2275.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on September 28, 2005.

Revive, Unintentional Delay

As discussed supra the petition under 37 CFR 1.181 is granted. Accordingly, the petition under the unintentional provisions of 37 CFR 1.137(b) to revive the above-identified application is deemed moot.

Therefore, the $1500 petition fee debited to petitioner's deposit account September 29, 2005 and $1540 petition fee debited to petitioner's deposit account May 29, 2008 are unnecessary and will be credited to petitioner's deposit account 12-2275.

This application is being referred to Technology Center AU 2863 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this decision should be directed to K. Reichle at (571) 272-6051.

David Bucci
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

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DEC 1 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Marc DOTY	:	
Application No. 10/700,213	:	DECISION GRANTING PETITION
Filed: November 3, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **64532US002**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 17, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 2, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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MURAMATSU & ASSOCIATES
114 Pacifica, Suite 310
Irvine, CA 92618

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MAR 12 2007

OFFICE OF PETITIONS

In re Application of :
Fumio Mieda :
Application No.: 10/700,214 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No: KORG.002AUS :

This is in response to the petition under 37 CFR 1.137(b) filed September 26, 2006.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Non-provisional Application mailed February 1, 2004. The notice set a shortened period for reply of two-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A response was not received within the allowable period and the application became abandoned on April 2, 2004. A Notice of Abandonment was mailed on November 26, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

As to item (1) above, the Notice to File Missing Parts of Non-provisional Application required a properly executed oath or declaration to be file along with payment of the surcharge of $65.00 for the late filing of the same. The instant petition was accompanied by the executed declaration and petition fee of $750.00, but the surcharge of $65.00 was not found with the petition. A copy of a check in the amount of $65.00 as filed with the petition is noted, but the payment of $65.00 was not made of record on the subject application of the date the petition was reviewed by the undersigned. The renewed petition must be accompanied by payment of the surcharge in the amount of $65.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MURAMATSU & ASSOCIATES
114 Pacifica, Suite 310
Irvine, CA 92618

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of
Fumio Mieda
Application No.: 10/700,214
Filed: November 3, 2003
Attorney Docket No. KORG.002AUS

: ON PETITION

This is in response to the renewed petition under 37 CFR 1.137(b) filed May 30, 2007.

The renewed petition under 37 CFR 1.137(b) is **granted**.

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on February 1, 2004, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required an oath or declaration to be filed and $65.00 surcharge. A response was not received within the allowable period and the application became abandoned on April 2, 2004. A Notice of Abandonment was mailed on November 26, 2004. A petition under 37 CFR 1.137(b) was first filed on September 26, 2006, and dismissed by a decision mailed March 12, 2007.

The surcharge, paid May 30, 2007, is noted and made of record.

This application is being directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Patent of Bharitkar et al.	:	DECISION ON REQUEST
Patent No. 7,567,675	:	FOR RECONSIDERATION OF
Issue Date: July 28, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/700,220	:	AND NOTICE OF INTENT TO
Filing Date: November 3, 2003	:	ISSUE CERTIFICATE OF
Attorney Docket No. 095002-0102	:	CORRECTION

This is a decision on the petition filed on September 22, 2009, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting that the patent term adjustment indicated on the patent be corrected to indicate that the term of the patent is extended or adjusted by nine hundred seventy-eight days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred seventy-eight days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the period of delay under 35 U.S.C. § 154(b)(1)(B), the over three year period began on November 4, 2006, and ended on October 25, 2007, *the day before* the RCE was filed, and is 356 (not 357) days. *See* 35 U.S.C. § 154(b)(1)(B)(i). As such, the patent term adjustment is 977 days, not 978.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 C.F.R. § 1.136.

The Office acknowledges submission of the $200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred seventy-seven (977)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.	:	7,567,675 B2
ISSUE DATE	:	July 28, 2009
INVENTOR(S)	:	Bharitkar et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 732 days.

Delete the phrase "by 732 days" and insert - by 977 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORD GLOBAL TECHNOLOGIES, LLC
SUITE 600 - PARKLANE TOWERS EAST
ONE PARKLANE BLVD.
DEARBORN MI 48126

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MAR 3 0 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Nieuwstadt :
Application No. 10/700,225 :
Filed: November 3, 2003 :
Attorney Docket No. 81088302 :

This is a decision on the petition, filed March 24, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 24, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3748 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 15 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of :
Freddie Ray Roberts :
Application No. 10/700,255 : DECISION ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 030403ROBERTS :

This is a decision on the petition to make special filed on May 11, 2004. The petition is based upon the practice described in MPEP § 708.02(V) "Environmental Quality." Therefore, no petition fee is required.

The petition is granted.

The petition to make special based upon the practice in MPEP § 708.02(V) is deemed to satisfy all of the requirements therefore. Accordingly, the examiner will treat this application as special throughout its prosecution. Prior to the next action on the merits, the examiner will conduct a rigorous search for potentially interfering applications. The interference search will be brought up to date prior to each successive action.

The Supervisory Patent Examiner of Patent Examining Art Unit 3747 is being informed of this decision, and will advise the examiner to take future action consistent therewith. The granting of this petition is not to be considered as an endorsement of the allegations contained in the petition.

PETITION GRANTED.

Stephen Marcus, Special Program Examiner
Technology Center 3700

DAVID DOUGLAS WINTERS, PATENT ATTORNEY
2277-C, SUITE 237
WILMA RUDOLPH BLVD.
CLARKSVILLE, TN 37040-5898

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20081106

DATE : December 5, 2008

TO SPE OF : ART UNIT 3641

SUBJECT : Request for Certificate of Correction on Patent No.: 6,951,073 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

VT

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

SPE: Michael J. Carone **Art Unit** 3641

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

IP Prosecution
HOWREY SIMON ARNOLD & WHITE,
LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington DC 20004-2402

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application :
Podolski :
Application No. 10/700,274 : PATENT TERM ADJUSTMENT
Filed: November 3, 2003 :
Dkt. No.: 07189.0014.DVUS02 :

This is in response to the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed March 5, 2010. This matter is being properly treated under 37 CFR 1.705(b).

Applicant submits that the correct patent term adjustment to be indicated on the patent is 1,657 days, not 1,286 days as indicated on the Determination of Patent Term Adjustment mailed December 7, 2009. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

Receipt is hereby acknowledged of the required $200.00 application for patent term adjustment application fee. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN TX 78768

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AUG 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Schumacher, et al. :
Application No. 10/700,281 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 5854-00500 :

This is a decision on the petition, filed June 21, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 3, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of November 15, 2007 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being returned to Technology Center Art Unit 2109 for examination in due course.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/700,281	11/03/2003	Larry Lee Schumacher	5854-00500

CONFIRMATION NO. 4501

35617
DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768

Date Mailed: 08/06/2007

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/15/2007.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/700,296	11/03/2003	3672	446	224.303	7	22	4

CONFIRMATION NO. 2253

CORRECTED FILING RECEIPT

OC000000012167253

John R. Ley, Esq.
JOHN R. LEY, LLC
Suite 610
5299 DTC Boulevard
Englewood, CO 80111-3327

Date Mailed: 03/23/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Donald D. Reitz, Denver, CO;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/096,881 03/12/2002 PAT 6,672,392

Foreign Applications

If Required, Foreign Filing License Granted: 02/18/2004

Projected Publication Date: 07/01/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Gas recovery apparatus, method and cycle having a three chamber evacuation phase and two liquid extraction phases for improved natural gas production

Preliminary Class

166

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JOHN R. LEY
5299 DTC BLVD, SUITE 610
GREENWOOD VILLAGE CO 80111

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SEP 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Donald D. Reitz :
Application No. 10/700,296 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 224.303 :

This is a decision on the petition, filed September 12, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 31, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3672 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GALLAGHER & LATHROP, A PROFESSIONAL CORPORATION
601 CALIFORNIA STREET, SUITE 1111
SAN FRANCISCO, CA 94108

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MAR 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Aritaka Ohno et al :
Application No. 10/700,312 : DECISION GRANTING PETITION
Filed: October 31, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. KPO186 :

This is a decision on the petition, filed March 7,2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 2, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2874 for processing of the concurrently filed request for continued examination under 37 CFR 1.114.[2]

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

[2] The petition indicates that the Information Disclosure Statement is being submitted under separate cover as it is over approximately 100 pages.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20061117

DATE : November 17, 2006

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 6999023

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ~~**PK-3-810**~~ ST 9A38
Palm location **7590** - Tel. No. ~~305-8201~~ 308-9390 x118

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Thomas H Tarcza

SPE: Thomas H. Tarcza **Art Unit** 3662

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/700,323	BLOCK, GERALD J.	
	Examiner	Art Unit	
	Thomas H. Tarcza	3662	

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE N. GINSBERG
ENDOCARE, INC.
201 TECHNOLOGY DRIVE
IRVINE CA 92618

COPY MAILED

SEP 28 2007

OFFICE OF PETITIONS

In re Application of :
Sanford D. Damasco et al :
Application No. 10/700,326 : DECISION ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. :
ENDO108-C1-CP2CP

This is a decision on the petition under 37 CFR 1.314, filed September 5, 2007, to defer issuance of the patent.

The petition is **GRANTED**.

Issuance will be deferred for a period of one month from the date of this decision. At the end of this period, the application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Petitioner is advised that, in view of the payment of the issue fee in this application, any request to correct inventorship must be accompanied by a petition to withdraw from issue and comply with the provisions of 37 CFR 1.313(c) at the time of filing thereof.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE N. GINSBERG
ENDOCARE, INC.
201 TECHNOLOGY DRIVE
IRVINE CA 92618

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of
Sanford D. Damasco et al
Application No. 10/700,326
Filed: November 3, 2003
Atty Docket No. ENDO108-C1-CP2CP

DECISION ON PETITIONS

This is a decision on the petitions filed October 5, 2007, to (1) amend under 37 CFR 1.48(a) the inventive entity by the addition of Jawahar M. Ali, David J. Battles, Paul W. Mikus, and Jay J. Eum as joint inventors, (2) to waive under the provisions of 37 CFR 1.183 that part of 37 CFR 1.48(a)(2) which requires a statement from the person being added, (3) to accept under 37 CFR 1.47(a), as authorized by 37 CFR 1.48(a)(3), the declaration, which lacks the signature of the inventor being added as required by 37 CFR 1.63, and (4) to withdraw this application from issue under 37 CFR 1.313(c)(2).

The petitions are **GRANTED**.

DISCUSSION OF PETITION UNDER 37 CFR 1.313(c)(2)

Petitioner requests that this application be withdrawn from issue in order to amend the inventorship in this case. A Request for Continued Examination (RCE) under 37 CFR 1.114 was filed concurrently with the petition to withdraw from issue.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 6, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Part B – Fee(s) Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment.*

DISCUSSION OF REQUEST UNDER 37 CFR 1.48(a)

In those instances wherein a request under 37 CFR 1.48(a) and a petition under 37 CFR 1.47 have both been filed in an application, the Office of Petitions may first issue a decision on the request under 37 CFR 1.48(a) so as to determine the appropriate oath or declaration under 37 CFR 1.63 required for the petition under 37 CFR 1.47. In those situations where, as here, an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor. Every existing assignee of the original named inventors must give its consent to the requested correction.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

> (1) A request to correct the inventorship that sets forth the desired inventorship change;
>
> (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
>
> (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
>
> (4) The processing fee set forth in § 1.17(i); and
>
> (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b).

The request under 37 CFR 1.48(a) to add inventors Jawahar A. Ali, David J. Battles, Paul W. Mikus and Jay J. Eum has been found that, through error and without deceptive intent, the application improperly set forth the inventorship. Accordingly, this application has been amended to include the aforementioned inventors.

It is noted that a statement and declaration were received on October 9, 2007 by previously non-signing inventor Jawahar A. Ali.

DISCUSSION OF PEITION UNDER 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) requires:

> (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after

having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee set forth in § 1.17(g); and

(4) a statement of the last known address of the non-signing inventor.

The petition complies with the above requirements. Further, the evidence submitted in support of the petition under 37 CFR 1.47(a) is sufficient to establish that non-signing inventor David J. Battles, one of the inventors being added under the provisions of 37 CFR 1.48(a), did not respond to a request to execute the oath or declaration (or assignment) after having been presented with a copy of the application papers as filed.

The application papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

DISCUSSION OF PEITION UNDER 37 CFR 1.183

On very infrequent occasions, the requirements of 37 CFR 1.48(a)(2) have been waived upon the filing of a request and the fee set forth in § 1.17(f) for a petition under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). In essence, petitioner must show that the inability to obtain the statement from David J. Battles is, notwithstanding the exercise of reasonable care and diligence, due to circumstances beyond his control.

Under the circumstances recounted in the petition, justice would be served by suspending the requirements of 37 CFR 1.48(a)(2) for a statement by non-signing inventor David J. Battles. Accordingly, the requirement for a statement under 37 CFR 1.48(a)(2) by non-signing inventor David J. Battles is waived under the provisions of 37 CFR 1.183.

A Corrected Filing Receipt which sets forth the inventorship of this application accompanies this decision on petition.

Telephone inquiries should be directed to Frances Hicks at (571) 272-3218.

This application is being referred to Technology Center AU 3737 for processing of the request for continued examination under 37 CFR 1.114.

Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/700,326	11/03/2003	3737	885	ENDO108-C1-CP2CP	35	2

CONFIRMATION NO. 5138

CORRECTED FILING RECEIPT

33746
LAWRENCE N. GINSBERG
ENDOCARE, INC.
201 TECHNOLOGY DRIVE
IRVINE, CA 92618

Date Mailed: 10/18/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sanford D. Damasco, Irvine, CA;
Thach Duong, Tustin, CA;
Jawahar M. Ali, Lake Forest, CA;
David J. Battles, Santa Barbara, CA;
Paul W. Mikus, Trabuco Canyon, CA;
Jay J. Eum, Irvine, CA;

Power of Attorney: The patent practitioners associated with Customer Number 33746

Domestic Priority data as claimed by applicant

This application is a CIP of 10/307,036 11/27/2002 PAT 6,643,535
which is a CIP of 09/957,306 09/20/2001 PAT 6,544,176
which is a CON of 09/699,938 10/30/2000 PAT 6,485,422
which is a CON of 09/318,710 05/26/1999 PAT 6,139,544

Foreign Applications

If Required, Foreign Filing License Granted: 02/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/700,326**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

COMPUTER GUIDED ABLATION OF TISSUE USING INTEGRATED ABLATIVE/TEMPERATURE SENSING DEVICES

Preliminary Class

600

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

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JUN 0 9 2008

In re Application of	:	
Marcus da Silva et al.	:	
Application No. 10/700,329	:	DECISION ON PETITION
Filed: November 3, 2003	:	TO WITHDRAW
Attorney Docket No. MN1-0010US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Edward J. Brooks, III on behalf of all attorneys/agents associated with customer number 38356. All attorneys/agents associated with customer number 38356 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the assignee. A courtesy copy of this decision will be mailed to address noted on the request to withdraw. If this firm desires to receive future correspondence regarding this application, the proper power of attorney documents must be submitted.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Vivato, Inc.
139 Townsend Street, Suite 200
San Francisco, CA 94107

cc: Christopher R. Ambrose, LLC
Bend Office
805 SW Industrial Way, Ste. 201
Bend, OR 97702

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/700,329	11/03/2003	Marcus da Silva	MN1-0010US

CONFIRMATION NO. 5147

38356
BROOKS, CAMERON & HUEBSCH , PLLC
1221 NICOLLET AVENUE , SUITE 500
MINNEAPOLIS, MN 55403

POWER OF ATTORNEY NOTICE

OC000000030365327

Date Mailed: 06/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/28/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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NOV 03 2009

OFFICE OF PETITIONS

VIVATO, INC.
139 TOWNSEND STREET, SUITE 200
SAN FRANCISCO, CA 94107

In re Application of :
Marcus D.A. SILVA, et *al.* :
Application No. 10/700,329 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed August 28, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 17, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks items (**1**) and (**3**) above.

Turning first to item (**3**) above, the statement of unintentional delay is not considered at this time to be a properly submitted statement. In this regard, the petition containing the statement of unintentional delay is signed by Carl J. Schwedler, who is one of the

attorney for AEQUITAS EQUIPMENT FINANCE, LLC. Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> *Amendments and other papers.* Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
>
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

Therefore, as the petition containing the statement of unintentional delay is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Mr. Carl J. Schwedler) was ever given a power of attorney to act on behalf of the other inventors, **or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b)**, the petition is considered to not contain a proper statement of unintentional delay. As it appears that Mr. Schwedler is signing on behalf of an assignee, compliance with 37 CFR 3.73(b) must be satisfied. In this regard, 37 CFR 3.73(b) provides:

> (1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:
>
> (i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment * * * For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, *e.g.*, an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

In view of the above, and as it appears that Mr. Schwedler is signing the statement of unintentional delay as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied. A blank certificate under 37 CFR 3.73(b) is enclosed with this decision for petitioner's convenience.

As to item (**1**) above, the reply is considered defective also for the reasons stated above (that the paper (reply) must be signed by a proper party; *i.e.*, all the inventors or an assignee of the entire interest and, if signed by an assignee of the entire interest, must satisfy the provisions of 37 CFR 3.73(b).

In sum, petitioner must submit a petition containing a statement of unintentional delay and reply (amendment) signed by all the inventors, **unless** petitioner herein is the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied, which can be accomplished by completion of the enclosed certificate under 37 CFR 3.73(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on August 28, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop

16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: **CARL J. SCHWEDLER**
BULLIVANT HOUSER BAILEY, PC.
1415 L. STRET, SUITE 1000
SACRAMENTO, CA 95814

Enclosure: Certificate under 37 CFR 3.73(b) and Privacy Act Statement

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 06 2010

OFFICE OF PETITIONS

VIVATO, INC.
139 TOWNSEND STREET, SUITE 200
SAN FRANCISCO, CA 94107

In re Application of :
Marcus D.A. SILVA, et *al.* :
Application No. 10/700,329 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 18, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed March 17, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 18, 2008.

The power of attorney and 3.73(b) statement submitted with the petition are considered defective.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on November 18, 2009 is improper in that it does not contain a complete chain of title from the original owner to the current assignee of record.

In view of the above, and as it appears that Mr. Schwedler is signing the statement of unintentional delay as an assignee, then compliance with 37 CFR 3.73(b) must be satisfied.

The reply is considered defective for the reasons stated in the previous petition decision mailed on November 3, 2009 (that the paper (reply) must be signed by a proper party; *i.e.*, all the

inventors or an assignee of the entire interest and, if signed by an assignee of the entire interest, must satisfy the provisions of 37 CFR 3.73(b)).

In sum, petitioner must submit a petition containing a statement of unintentional delay and reply (amendment) signed by all the inventors, **unless** petitioner herein is the assignee of the entire right, title and interest in the instant application, then compliance with 37 CFR 3.73(b) must be satisfied.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on August 28, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **CARL J. SCHWEDLER**
BULLIVANT HOUSER BAILEY, PC.
1415 L. STRET, SUITE 1000
SACRAMENTO, CA 95814

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

COPY MAILED

FEB 0 6 2006

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Gerard J. Kmita et al :
Application No. 10/700,335 :
Filed: November 3, 2003 :
Attorney Docket No. 0210B-000254/CPA :

This is a decision on the petition, filed January 27, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 14, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3727 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

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AUG 2 5 2008

In re Application of	:	
Bobby Jose, et al.	:	
Application No. 10/700,342	:	DECISION ON PETITION
Filed: November 3, 2003	:	TO WITHDRAW
Attorney Docket No. 760.0120001	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 28, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Edward J. Brooks, III on behalf of all attorneys of record. All attorneys/agents 0 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Bobby Jose**
15821 East 4th Avenue
Apt. F125
Veradale, WA 99037

cc: **Christopher R. Ambrose**
Ambrose Law Group, LLC
Bend Office
Bend, OR 97702

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/700,342	11/03/2003	Bobby Jose	760.0120001

CONFIRMATION NO. 5281

POWER OF ATTORNEY NOTICE

38356
BROOKS, CAMERON & HUEBSCH , PLLC
1221 NICOLLET AVENUE , SUITE 500
MINNEAPOLIS, MN 55403

OC000000031727054

Date Mailed: 08/22/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/28/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BULLIVANT HOUSER BAILEY PC
1415 L STREET
SUITE 1000
SACRAMENTO CA 95814

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DEC **2 2** 2009

OFFICE OF PETITIONS

In re Application of :
Bobby JOSE et al. :
Application No. 10/700,342 : DECISION ON PETITION
Filed: November 03, 2003 :
Attorney Docket No. **29988/40000** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 03, 2008, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 04, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the restriction requirement of April 03, 2008 is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on October 30, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2419 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

James H. Morris
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston MA 02210

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AUG 1 1 2004

OFFICE OF PETITIONS

In re Application of :
Marty Pierre, Rey Gaelle, and Pascal :
Chauvet :
Application No. 10/700,361 : DECISION ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. S1022.80985US01 :
Title: DRAM CONTROL CIRCUIT :

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed June 23, 2004.

On November 3, 2003, the application was deposited, identifying Marty Pierre, Rey Gaelle, and Pascal Chauvet as joint inventors. The application was deposited without an oath or declaration. On February 12, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), requiring an executed oath or declaration along with the surcharge associated with the late filing of an oath or declaration, and the basic filing fee. The notice set a two-month period for response. On June 28, 2004, a notice was mailed which withdrew this notice.

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[1]A grantable petition under 37 C.F.R. §1.47(a) requires:

(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

On June 23, 2004, petitioner submitted a copy of the declaration[2], the instant petition, a declaration of facts, the petition fee, the associated surcharge, the last known address of the non-signing inventor, and a copy of the assignment along with a translation. Petitioner has also included a two-month extension of time.

As such, Petitioner has met requirements (1) – (3) above.

Regarding the fourth requirement above, Petitioner has asserted that on September 19, 2002 and June 14, 2004, correspondence was sent to the non-signing inventor. Petitioner has characterized these mailings as constituting a "diligent effort...to locate Mrs. Rey[3]."

The Office disagrees. No mention is made as to any search done for the non-signing inventor. One cannot successfully assert that a diligent effort has been undertaken to locate the non-signing inventor if one has made no effort to locate the same, since one cannot claim that a diligent search was conducted if no search was performed. Petitioner has not given any indication that any effort has been made to locate the non-signing inventor. If Petitioner wishes to assert that the non-signing inventor cannot be located, he must perform a search before he may claim that the inventor cannot be found, as merely sending letters does not constitute a diligent search.

If future attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Applicant should submit documentary evidence such as the results of an E-mail or Internet search. It is important that the statement contain facts as opposed to conclusions[4].

Regarding the fifth requirement above, the declaration does not comply with MPEP §602.05(a). This section of the MPEP sets forth that a copy of the oath or declaration from a prior nonprovisional application may be filed in a continuation application. However, if this oath or declaration is submitted subsequent to the filing of the child: the cover letter accompanying the declaration should identify the application number of the continuation application; the cover letter should indicate that the declaration submitted is a copy of the declaration from a prior application, and; applicant should label the copy of the declaration with the application number of the continuation application.

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2 The declaration submitted with the instant petition is actually that which was associated with the grandparent of the instant application, 10/111,506, which was executed by each of the joint inventors save joint inventor Rey.

3 Petition, page 1.

4 See MPEP 409.03(d).

It does not appear that a cover letter has been included with the declaration which has been submitted with this petition, and the declaration does not contain the serial number of the instant application. As such, the declaration will not be accepted.

For these reasons, the petition under 37 C.F.R. §1.47(b) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Renewed Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted above, except that the reply may include an acceptable oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

Petitioner is reminded that all submitted statements should be from one having firsthand knowledge of the search.

The reply to this letter may be submitted by mail[5], hand-delivery[6], or facsimile[7].

The reply should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner. The Petitioner may wish to consider telephoning the undersigned at the number provided below to confirm that the documents were delivered to the undersigned. Please note that the delivery process can take as much as three weeks.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

6 Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

7 (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

James H. Morris
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston MA 02210

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FEB 25 2005

OFFICE OF PETITIONS

In re Application of
Marty Pierre, Rey Gaelle, and Pascal Chauvet
Application No. 10/700,361
Filed: November 3, 2003
Attorney Docket No. S1022.80985US01
Title: DRAM CONTROL CIRCUIT

DECISION ON RENEWED PETITION

This is in response to the renewed petition under 37 C.F.R. §1.47(a)[1], filed February 10, 2005.

On November 3, 2003, the application was deposited, identifying Marty Pierre, Rey Gaelle, and Pascal Chauvet as joint inventors. The application was deposited without an oath or declaration. On February 12, 2004, the Office mailed a Notice to File Missing Parts of Nonprovisional Application (Notice), requiring an executed oath or declaration along with the surcharge associated with the late filing of an oath or declaration, and the basic filing fee. The notice set a two-month period for response. On June 28, 2004, a notice was mailed which withdrew this notice.

[1]A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

On June 23, 2004, Petitioner submitted a copy of the declaration[2], the original petition, a declaration of facts, the petition fee, the associated surcharge, the last known address of the non-signing inventor, and a copy of the assignment along with a translation, along with a two-month extension of time.

The original petition was dismissed via the mailing of a decision on August 11, 2004, for failure to establish that a search done for the non-signing inventor, and for failure to submit an acceptable declaration. Petitioner has since completed a search and has submitted an acceptable declaration with the instant petition. In order to make timely this response, Petitioner has submitted a four-month extension of time.

Petitioner has met each of the 5 requirements above.

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 The declaration submitted with the original petition was that which was associated with the grandparent of the instant application, 10/111,506, which was executed by each of the joint inventors save joint inventor Rey.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Rey Gaelle
49, rue de Vercors
38000 Grenoble
FRANCE

COPY MAILED

FEB 25 2005

OFFICE OF PETITIONS

In re Application of :
Marty Pierre, Rey Gaelle, and Pascal Chauvet :
Application No. 10/700,361 :
Filed: November 3, 2003 : LETTER
Attorney Docket No. S1022.80985US01 :
Title: DRAM CONTROL CIRCUIT :

Dear Ms. Gaelle:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: James H. Morris
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston MA 02210

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

James H. Morris
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston MA 02210

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JUL 19 2005

OFFICE OF PETITIONS

Applicant: Marty et al.
Appl. No.: 10/700,361
Filing Date: November, 3, 2003
Title: DRAM CONTROL CIRCUIT
Attorney Docket No.: S1022.8098US01
Pub. No.: US 2004/0210730 A1
Pub. Date: October 21, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on November 10, 2004 for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error as the word "t0" is misprinted as "to" in paragraph [0008.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The error noted by requestor wherein the phrase "[a]t a time t1 occurring three periods T after time t0, block 10 provides bus COM" is misprinted as "[a]t a time t1 occurring three periods T after time to, block 10 provides bus COM" in paragraph [0008], which describes Figure 2 in the discussion of the related art is an Office error, but the mistake is a minor typographical error, which is clearly understandable to one of ordinary skill in reading the specification and the claims. The mistake is a minor typographical error, which is clearly understandable from reading the sentence and paragraph in which the phrase is used, as terms are not read in a vacuum and t0 is clearly shown in the drawings. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1]Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

Furthermore, these are not material errors since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

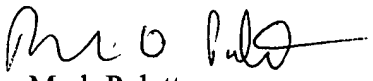
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 703-872-9306 or after July 15, 2005, 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).



Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
For Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE PLC
P O BOX 828
BLOOMFIELD HILLS, MI 48303

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DEC 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Lowell Kiester et al	:	
Application No. 10/700,363	:	DECISION GRANTING PETITION
Filed: November 3, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 2467-000003/CPA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 18, 2006, as required by the Notice of Allowance and Fee(s) Due mailed January 18, 2006. A Notice of Abandonment was mailed on June 12, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees ($700 and $300, respectively); (2) the $750 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

The application file is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER/BSC-CRM
PO BOX 2938
MINNEAPOLIS, MN 55402

Mail Date: 05/24/2010

Applicant	: Joseph M. Pastore	: DECISION ON REQUEST FOR
Patent Number	: 7657312	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/700,368	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **965** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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OCT 26 2004

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OCT 26 2004

OFFICE OF THE DIRECTOR
TC 3600

Brande and McCleary
5976 Falling Tree Lane
Alta Loma, CA 91737

In re application of
Daniel Skorez
Application No. 10/700,390
Filed: November 3, 2003
For: SWIVELING VALVE OPERATOR MOUNTING SYSTEM

DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)

This is a decision on the petition under 37 C.F.R § 1.102(d) filed December 24, 2003 to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(i); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market or method in use; (B) that a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) that he or she has made a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed December 24, 2003 lacks requirement 2(B) above. The petition includes a declaration by Lewis M. Brande, Esq., the attorney of record in the above noted application. Mr. Brande states, "I have compared the claims in the above-indicated application with the advertisement from E.H. Wachs., and it is my opinion that this application would be infringed by the manufacture, use or sale of said product." The petition further includes a declaration by Dan Skorcz, the applicant in the above noted application. Mr. Skorcz states that "(a)fter careful consideration, it was the opinion of my attorney that the product of E.H. Wachs, Inc. infringed the claims of this application."

These statements are insufficient to grant a petition under 37 CFR 1.102 (d) to make the above-identified application special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement. In this regard, neither of these statements expressly state "that a rigid comparison of the alleged infringing

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device, product or method with the claims of the application has been made", and that, in the opinion of the person making the statement, "some of the claims are unquestionably infringed"; as required by 2(B) of M.P.E.P. § 708.02.

In view of this deficiency, the petition is **DISMISSED**.

With regards to element 2(C) above, an Information Disclosure Statement was filed on November 3, 2003.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above.

Applicant should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

SUMMARY: Petition to Make Special **DISMISSED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/rwg: 10/18/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Clark A. Jablon
AKIN GUMP STRAUSS HAUER
& FELD L.L.P.
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

MAIL

AUG 0 3 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:	)	
Wilbur H. Highleyman et al.	)	DECISION ON PETITION TO MAKE
Application No.: 10/700,410	)	SPECIAL UNDER 37 C.F.R. §1.102(c)
Filed: November 3, 2003	)	AND MPEP § 708.02 (IV):
For: SPLIT PROCESSING SYSTEM FOR PROVIDING INCREASED SYSTEM AVAILABILITY	)	APPLICANT'S AGE

This is a decision on the petition, filed July 19, 2005 under 37 C.F.R. §1.102(c) and M.P.E.P. §708.02(IV): Applicant's Age, to make the above-identified application special.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV must include a showing, as by a birth certificate or the applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes declaration by Wilbur H. Highleyman, one of the applicants, asserting that declarant/applicant is sixty five (65) years of age or more.

Accordingly, the petition is **GRANTED.**

The application is being forwarded to the examiner for expedited prosecution and to consider the change of inventorship.

Michelle R. Eason for

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden NV 89423

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OCT 30 2008

OFFICE OF PETITIONS

In re Patent No. 7,249,378
Issue Date: 07/24/2007
Application No. 10/700,411
Filed: 11/03/2003
Attorney Docket No. GRAPH-003COF

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 17, 2008, seeking to add a claim for priority under 35 U.S.C. § 120 to a prior-filed nonprovisional application by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The present application was filed November 3, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/700,411	11/03/2003	2131	685	GRAPH-003COF	15	1

CONFIRMATION NO. 5785

CORRECTED FILING RECEIPT

28661
LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden, NV 89423

Date Mailed: 10/29/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ralph E. Wesinger JR., San Jose, CA;
Christopher D. Coley, Morgan Hill, CA;

Power of Attorney:

Peter Smolka--15913	Ronald Grudziecki--24970
Robert Swecker--19885	Raymond Owyang--25052
Benton Duffett Jr--22030	Troy Dillahunty--25423
Platon Mandros--22124	Alan Kopecki--25813
Norman Stepno--22716	Robert Krebs--25885

Domestic Priority data as claimed by applicant

This application is a CON of 10/210,326 08/01/2002 PAT 6,751,738
which is a CON of 09/552,476 04/18/2000 PAT 6,804,783
which is a CON of 09/299,941 04/26/1999 PAT 6,052,788
which is a CON of 08/733,361 10/17/1996 PAT 5,898,830

Foreign Applications

If Required, Foreign Filing License Granted: 02/11/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/700,411**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

FIREWALL PROVIDING ENHANCED NETWORK SECURITY AND USER TRANSPARENCY

Preliminary Class

726

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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OCT 24 2005

OFFICE OF PETITIONS

In re Application of :
Tae Yune Lee et al :
Application No. 10/700,422 :
Filed: November 3, 2003 :
Attorney Docket No. 51876P408 :

ON PETITION

This is a decision on the petition, filed October 20, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 19, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2821 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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AUG 13 2008

MARK TERRY
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

In re Application of :
Sanjeev Gupta, et al. :
Application No. 10/700,431 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. None :

This is a decision on the petition, filed February 22, 2008, to revive the above-identified application under 37 CFR 1.137(b).

A review of the record discloses that the application became abandoned for a failure to reply in a timely manner to the final Office action mailed July 2, 2007. The present petition was filed on February 22, 2008, including, *inter alia*, a Notice of Appeal and fee, an Appeal Brief and fee, and a Request for Continued Examination (RCE) under 37 CFR 1.114. Thereafter, on February 27, 2008, applicant submitted a Request to Withdraw the Continued Examination (RCE).

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and the appeal fee of $255; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

Under the circumstances of this case, the request to withdraw the RCE filed February 22, 2008 is granted. The filing fees paid for the improperly filed RCE will be refunded in due course.

The application is being referred to Technology Center AU 2191 for appropriate action on the Appeal Brief filed February 22, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL AND PAUL
2900 TWO THOUSAND MARKET STREET
PHILADELPHIA, PA 19103

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AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Schwarte, Rudolf :
Application No. 09/700,439 : ON PETITION
Filed: November 13, 2000 :
Attorney Docket No. 752-00 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Paralegal Liana Chase at (703) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to (571) 272-3282.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Application of	:	
Le Trong Nguyen, et al.	:	
Application No. 10/700,485	:	DECISION GRANTING PETITION
Filed: November 5, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1397.028000H	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 17, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 15, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2183 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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SUITE 300
ALEXANDRIA VA 22314

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OCT 25 2006

OFFICE OF PETITIONS

In re Application of :
Ming-Fu Kuo :
Application No. 10/700,493 : DECISION ON PETITION
Filed: November 5, 2003 : UNDER 37 CFR 1.181
Attorney Docket No. 3226/22 :

This is a decision on the petition filed March 29, 2006, under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **dismissed**.

Any request for reconsideration should be filed within two (2) months from the mailing date of this decision. *Note* 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue fee and publication fee in reply to the Notice of Allowance (Notice) mailed March 23, 2005.

Petitioner asserts that failure to timely reply was due to nonreceipt of the Notice of March 23, 2005.

The Office follows the guidelines set forth in MPEP § 711.03(c) (see also "Withdrawing the Holding of Abandonment When Notices Are Not Received," 1156 *Official Gazette* 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record.

A review of the written record indicates no irregularity in the mailing of the Notice and is presumed to have been properly mailed to the address of record.[1]

[1]A Change of Address was received in the USPTO on April 27, 2006.

Petitioner states that Applicant's Customer Number was properly identified on Applicant's Application Transmittal and on the Declaration Power of Attorney filed on November 5, 2003.

Petitioner should be aware that the number on the transmittal and the declaration mentioned above is not identified as a customer number. Also, on the declaration, petitioner stated to direct all correspondence to: DENNISON, SCHULTZ & DOUGHERTY, 612 CRYSTAL SQUARE 4, 1745 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA 22202-3417.

For the reasons stated above, the petition to withdraw the holding of abandonment cannot be granted at this time.

Petitioner may wish to consider filing a petition under the unintentional provisions of 37 CFR 1.137(b). Public Law 97-247, which revised patent and trademark fees, provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." See 37 CFR 1.137(b) in effect as of December 1, 1997. *Note Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131 (October 10, 1997), 1203 Off. Gaz. Patent Office 63 (October 21, 1997).* An "unintentional" petition must be accompanied by the required petition fee.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement of unintentional delay is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Ming-Fu Kuo :
Application No. 10/700,493 : DECISION ON PETITION
Filed: November 5, 2003 : UNDER 37 CFR 1.181
Attorney Docket No. 3226/22 :

This is a decision on the Request for Reconsideration filed November 29, 2006, which is being treated under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **dismissed**.

Any request for reconsideration should be filed within two (2) months from the mailing date of this decision. *Note* 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue fee and publication fee in reply to the Notice of Allowance (Notice) mailed March 23, 2005.

Petitioner asserts that failure to timely reply was due to nonreceipt of the Notice of March 23, 2005.

The Office follows the guidelines set forth in MPEP § 711.03(c) (see also "Withdrawing the Holding of Abandonment When Notices Are Not Received," 1156 *Official Gazette* 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record.

A review of the written record indicates no irregularity in the mailing of the Notice and is presumed to have been properly mailed to the address of record.[1]

[1]A Change of Address was received in the USPTO on April 27, 2006.

Petitioner states that Applicant's Customer Number was properly identified on Applicant's Application Transmittal and on the Declaration Power of Attorney filed on November 5, 2003.

Petitioner should be aware that the number on the transmittal and the declaration mentioned above is not identified as a customer number. Also, on the declaration, petitioner stated to direct all correspondence to: DENNISON, SCHULTZ & DOUGHERTY, 612 CRYSTAL SQUARE 4, 1745 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA 22202-3417.

Petitioner's arguments of November 29, 2006, were not found persuasive that the original decision dismissing petition filed March 29, 2006, was in error.

For the reasons stated above, the petition to withdraw the holding of abandonment cannot be granted at this time.

Petitioner may wish to consider filing a petition under the unintentional provisions of 37 CFR 1.137(b). Public Law 97-247, which revised patent and trademark fees, provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." See 37 CFR 1.137(b) in effect as of December 1, 1997. *Note Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131 (October 10, 1997), 1203 Off. Gaz. Patent Office 63 (October 21, 1997).* An "unintentional" petition must be accompanied by the required petition fee.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement of unintentional delay is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

COPY MAILED

FEB 12 2008

OFFICE OF PETITIONS

In re Application of :
Ming-Fu Kuo :
Application No. 10/700,493 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 3226/22 :

This is a decision on the Request For Reconsideration, filed June 5, 2007, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely pay the issue and publication fees in reply to the Notice of Allowance (Notice) mailed March 23, 2005.

Petitioner asserts that the failure to timely reply was due to nonreceipt of the Notice mailed March 23, 2005.

Applicant filed a petition to withdraw the holding of abandonment on March 29, 2006, which was dismissed in a Decision mailed October 25, 2006. Applicant also filed a Request for Reconsideration on November 29, 2006, which was dismissed in a Decision mailed April 5, 2007, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

With the instant petition, Applicant has demonstrated the timely filing of a Change of Correspondence Address; however, the Notice of Allowance/Notice of Allowability was inadvertently mailed to an incorrect correspondence address.

Where an Office action is returned as undeliverable, the Office must make an attempt to ascertain the correct address and re-mail the Office action, with the period being reset with the date of re-mailing. Note In re Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924). There is no evidence in the file record that the Office ever attempted to ascertain the correct address and re-mail the Notice, which is contrary to the Office's own procedures. See MPEP 707.13.

In view of the foregoing, the petition is **granted.** The holding of abandonment is hereby **withdrawn**.

No petition fee is required and non has been charged.

Since the issue and publication fees were paid on March 29, 2006, the application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,505	11/05/2003	Shunji Natsuka	1096/0025US3	9880

32260 7590 11/18/2009

NADA JAIN, P.C.
560 White Plains Road, Suite 460
Tarrytown, NY 10591

EXAMINER	
KIM, TAEYOON	

ART UNIT	PAPER NUMBER
1651	

NOTIFICATION DATE	DELIVERY MODE
11/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

paralegal@nadajain.com
nada@nadajain.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NOV 18 2009

NADA JAIN, P.C.
560 White Plains Road, Suite 460
Tarrytown NY 10591

In re Application of:
Natsuka et al.
Serial No.: 10/700,505
Filed: November 5, 2003
Attorney Docket No.: **1096/0025US3**

DECISION ON PETITION TO VACATE NOTICE OF NON-COMPLIANT AMENDMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a), filed on October 29, 2009, to vacate the notice of non-responsive amendment.

The petition and file history have been carefully reviewed.

The basis for the holding of non-responsiveness was an alleged failure for applicants to sign the amendment of May 15, 2009 in a proper manner. However, applicants point out "the amendment of May 15, 2009 was properly signed by their representative Nada Jain acting in a representative capacity pursuant to 37 CFR § 1.34...." Applicants point is well taken and persuasive.

Accordingly, applicants' petition is **GRANTED**.

Applicants' amendment of May 15, 2009 will be entered.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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JUN 24 2008

OFFICE OF PETITIONS

In re Application of :
Kulkarni et al. :
Application Number: 10/700511 : DECISION ON PETITION
Filing Date: 11/05/2003 :
Attorney Docket Number: 3095-010 :

This is a decision on the petition filed on February 11, 2008, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 9, 2006, for failure to timely reply to the non-final Office action mailed on September 8, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on June 4, 2007.

The subject petition is accompanied by an amendment as the required reply.

The application is referred to Technology Center Art Unit 1713 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Suite 300
1700 Diagonal Road
Alexandria VA 22314

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MAR 13 2008

OFFICE OF PETITIONS

In re Application of	:	
Ghosh et al.	:	
Application No. 10/700512	:	DECISION
Filing or 371(c) Date: 11/05/2003	:	ON PETITION
Attorney Docket Number 3095-009	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed Ferbuary 12, 2008, to revive the above-identified application. The delay in treating this petition is regretted.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 20, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 21, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 1797 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted with the petition in accordance with 37 CFR 1.114.

Derek L. Woods
Attorney
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ELLEN S. TAO
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

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JAN 12 2004

OFFICE OF PETITIONS

In re Application of
Steve J. Pick
Application No. 10/700,526
Filed: November 5, 2003
Attorney Docket No. T0196.0000/P001

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two, Lobby
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NOV 19 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

James E. Goepel
Unit 202,
6603 Lawndale Drive
Falls Church, VA 22042

In re application of : **DECISION ON PETITION**
Ronald P. Maierhofer, et al : **TO MAKE SPECIAL**
Application No. 10/700,564 : **(APPLICANT'S AGE)**
Filed: November 5, 2003 :
For: SPORTS CLUB CREATION, MANAGEMENT, OPERATION SYSTEM AND METHODS THEREFOR

This is a decision on the petition submitted on September 27, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is an affidavit signed by Robert P. Maierhofer indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/dcg: 11/9/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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VOLENTINE FRANCOS & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDROM DRIVE, SUITE 1260
RESTON, VA 20190

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JUN 2 9 2005

OFFICE OF PETITIONS

In re Application of	:
Yasuhiro Yamamoto et al	: DECISION ON PETITION
Application No. 10/700,565	: UNDER 37 CFR 1.137(b)
Filed: November 5, 2003	:
Attorney Docket No. OK1.324D	:

This is a decision on the petition under 37 CFR 1.137(b), filed February 2, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely pay the issue fee on or before November 26, 2004.

The petition satisfies the requirements for a grantable petition in that the reply in the form of the issue fee payment of $1,400; the petition fee of $1,500; and the required statement of unintentional delay have been submitted. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Calvin Lee Mitchener
3736 Edgemont Road
Wendell, North Carolina 27591

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JAN 0 3 2008

OFFICE OF PETITIONS

In re Application of
Mitchener
Application No. 10/700,582
Filed: November 5, 2003
Title: Apparatus and Method for Cleaning Gutters

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 5, 2007, to revive the above-identified application.

This petition is hereby **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to file a proper reply to the final Office Action of July 28 , 2005. The final Office Action set a three (3) month shortened statutory period for reply. An untimely amendment after final Office Action was filed on January 26, 2006. No extension of times pursuant to 37 CFR 1.136. An Advisory Action mailed on September 18, 2006 informed petitioner the application was not placed in condition for allowance. In addition a Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed on September 18, 2006. Accordingly, this application became abandoned on October 29, 2005. A Notice of Abandonment was mailed on September 20, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

The instant petition lacks item (1) the required reply. The proposed reply required for consideration of a petition to revive after a final Office Action must be a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)), an amendment that prima facie places the application in condition for allowance, the filing of a continuing application or a Request for Continued Examination (RCE). See MPEP 711.03(c)(III)(A)(2) and 37 CFR 1.114. The reference to the earlier filed amendment has previously been determined to be non-compliant. Thus, a reply has not been provided.

Further, a review shows that the Clifton Hunt who was authorized to prosecute the application has been classified as inactive before the Patent and Trademark. Future correspondence should be executed by a registered attorney or agent pursuant to 37 CFR 1.34 or by all of the applicant(s) for patent pursuant to 37 CFR 1.41 (b).

While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster". Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

For applicant's convenience, courtesy copies of the advisory action, Notice of Abandonment and final Office Action are being provided.

Further Correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service:
(FedEx, UPS, DHL, etc.) U.S. Patent and Trademark Office
Customer Service Window,
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

enclosure

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,582	11/05/2003	Calvin Lee Mitchener	1818-1	7592

43106 7590 07/28/2005

CLIFTON T. HUNT, JR.
4812 SIX FORKS ROAD, #705
RALEIGH, NC 27609

EXAMINER	
OKEZIE, ESTHER O	

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

FA

Office Action Summary	Application No.	Applicant(s)	
	10/700,582	MITCHENER, CALVIN LEE	
	Examiner	Art Unit	
	Esther O. Okezie	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *18 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *16* is/are allowed.

6)☒ Claim(s) *13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on 5/18/2005 and the remarks presented therewith have been carefully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 16 is objected to because of the following informalities: Part D of the claim should be listed under part C as it is a continuation of the phrase. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Runck. It is noted that the applicant is claiming the subcombination of an apparatus for cleaning gutters supported by spikes and not the combination of an apparatus and gutters supported by spikes. Runck discloses a rod and rake capable of collecting debris in a gutter, the rake comprising a shaft (F) extending axially from one end of the rod and including a center tooth (C) and two side teeth (D), the center tooth extending axially from the shaft of the rake, the two side teeth extending from the shaft of the rake in

diverging relation to the center tooth and extending from the shaft of the rake a lesser distance than the center tooth, the center tooth and each of the side teeth terminating in a slight downward curve to a forwardly extending end portion with an upwardly and rearwardly inclined flat bottom surface (see figures 1 and 5), and the rake being small enough to be moved with the rod under spikes in the gutter, depending on the height of the spikes, whereby the rod is capable of being used to push the rake over debris and under spikes in the gutter to a desired point for collection of the debris and the rod may then be used to pull the rake against the debris.

2. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Despain et al. Despain et al. discloses a method to collect leaves and debris in a single sweep in a gutter supported by a plurality of spikes comprising the steps of:

a) provide a rod long enough to be extended under a plurality of the spikes,

b) provide a rake on one end of the rod, the rake being small enough to move under the spikes with the rod,

c) manipulate the rod to place the rake in the gutter before one of the spikes with the teeth on the rake extending up,

d) manipulate the rod to push the rake with its teeth extending up over leaves and debris in the gutter and beneath said one spike and beneath successive spikes to a desired point, and

e) manipulate the rod to have the teeth on the rake extend down after the rake reaches the desired point and to pull the rake with its teeth extending down against the

leaves and debris to said one spike. (col. 2, lines 14-44 discloses the method including raking the debris and then turning the rake backwards to sweep the debris under the spikes).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Despain et al.

4. Re claim 14, Despain et al. discloses a method for a workman (16) working from a single position (fig 1) to clean a gutter (14) supported by a plurality of spikes (48) spaced along the gutter and attaching the gutter to a roof (18), the method comprising:

a) providing the workman with a rod (12),

b) providing a rake (10) on one end of the rod,

c) the rake being small enough to be manipulated through the gutter and beneath the spikes responsive to manipulation of the rod by the workman (col. 2, lines 32-38; col. 6, lines 14-34).

d) the workman positioning himself with at least twelve feet of the gutter extending beyond each side of the workman (see fig 1; as far as can be seen, at least twelve feet of the gutter extends on both sides of the operator 16),

e) the workman manipulating the rod to rake in beneath the spikes leaves and debris within twelve feet away from each side of the workman.

Despain et al. does not disclose how far the spikes are apart from each other since gutter spikes are usually positioned at a standard distance. Despain et al does not

disclose the rod is at least twelve feet in length, he discloses "the length of handle can vary depending on the distance on the distance the operator desires to stand away from the edge of the gutter" (col. 5, lines 15-19). It would have been obvious to one of ordinary skill in the art to provide an operator with a gutter cleaner of twelve feet in length in order to clean twelve feet on both sides of the operator equaling twenty-four feet altogether.

Allowable Subject Matter

Claim 16 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 13-16 have been considered but are moot in view of the new ground(s) of rejection as above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A. Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kathy Matecki

EOO

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,582	11/05/2003	Calvin Lee Mitchener	1818-1	7592

43106 7590 09/20/2006

CLIFTON T. HUNT, JR.
4812 SIX FORKS ROAD, #705
RALEIGH, NC 27609

EXAMINER	
OKEZIE, ESTHER O	

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	10/700,582	MITCHENER, CALVIN LEE	
	Examiner	Art Unit	
	Esther O. Okezie	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on *26 January 2006*, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

The reply of 1/26/2006 was filed within the 6th month after the mailing of the Final rejection. This reply was not accompanied by the required extensions of time and was not in compliance with 37 CFR 1.121 because it did not include a compete listing of the claims (see the attached Advisory action and Notice of Noncompliant amendment)

GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

IPE
OCT 10 2006
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,582	11/05/2003	Calvin Lee Mitchener	1818-1	7592

43106 7590 09/18/2006

CLIFTON T. HUNT, JR.
4812 SIX FORKS ROAD, #705
RALEIGH, NC 27609

EXAMINER	
OKEZIE, ESTHER O	

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/700,582	**Applicant(s)** MITCHENER, CALVIN LEE	
	Examiner Esther O. Okezie	**Art Unit** 3652	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No.	Applicant(s)	
	10/700,582	MITCHENER, CALVIN LEE	
	Examiner	Art Unit	
	Esther O. Okezie	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 January 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other _____.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

  _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

   Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

   Failure to timely respond to this notice will result in:
   Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
   Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

_____ _____

Legal Instruments Examiner (LIE), if applicable Telephone No.

Organization TC 3600 Bldg./Room KNOX

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Suite 200
Portland, OR 97204

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FROM DIRECTORS OFFICE

APR 2 8 2005

TECHNOLOGY CENTER 3600

In re Application of:	:	
Ted Blocker	:	NOTICE OF WITHDRAWAL
Application No. 10/700,618	:	FROM ISSUE
Filed: February 2, 2004	:	UNDER 37 CFR § 1.313(b)
Attorney Docket No. BRH-302A	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to newly discovered art. See 37 CFR § 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee and publication fee are refundable upon written request. Applicant may also request that the fee be credited to a specified Deposit Account. Applicant may, however, wait until such time as the application is either allowed or abandoned to make such request. If the application is subsequently allowed, upon receipt of a new Notice of Allowance and Issue and Publication Fee Due, applicant may further request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified in the new Notice of Allowance and Issue and Publication Fee Due. This request, and any balance due, must be received on or before the due date noted in the new Notice of Allowance and Issue and Publication Fee Due in order to prevent abandonment of the application. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquires should be directed to Supervisory Patent Examiner Michael J. Carone at (571)-272-6873.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Donald T. Hajec, Director
Technology Center 3600

cc: Office of Patent Publication

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of :
Yoshiyuki Miyayama et al :
Application No. 10/700,621 : DECISION GRANTING PETITION
Filed: November 5, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 104820.01 :

This is a decision on the petition, filed February 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 15, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2114 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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SEP 12 2005

OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Schneider :
Application No. 10/700,623 :
Filed: November 5, 2003 :
Docket No.: 3438-64-1 :

This is a decision on the petition under 37 CFR 1.137(a) and request to withdraw the holding of abandonment, filed August 8, 2005. This matter is being jointly addressed as a petition to withdraw the holding of abandonment under 37 CFR 1.181 as well as a petition with revive under 37 CFR 1.137(a).

This application was held abandoned January 29, 2005 for failure to timely reply to the Office communication mailed December 28, 2004. The Office communication set a 30 day or one month, whichever is longer, period of time for reply. No extensions of time in accordance with 37 CFR 1.136 were timely requested. Notice of Abandonment was mailed February 12, 2005.

DECISION UNDER 37 CFR 1.181

Petitioner asserts non-receipt of the Office communication mailed December 28, 2004.

In the absence of any irregularity in the mailing of the Office communication, there is a strong presumption that the Office communication was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office communication was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See*, MPEP 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Office records indicate the Office communication was properly mailed to the practitioner of record at the correspondence address of record at the time of mailing. Thus, there was no irregularity in mailing the Office communication on the part of the United States Patent and Trademark Office.

In support of the petition, petitioner has provided a copy of the docket record where the Office communication would have been entered had it been received along with a statement from practitioner that a search of the docket record and file jacket indicated that the Office communication was not received.

In view of the evidence submitted, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

DECISION UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of abandonment, the petition to revive under 37 CFR 1.137(a) is hereby **DISMISSED AS MOOT**.

Petitioner is entitled to a refund of the previously submitted $250.00 petition fee and may request a refund by writing to the Finance Office, Refund Branch. A copy of this decision should accompany any request for refund.

The application file is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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DEC 28 2004

CHIRON CORPORATION
Intellectual Property - R440
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Emeryville CA 94662-8097

In re Application of
Denis J. Gospodarowicz et al
Serial No.: 10/700,653
Filed: November 4, 2003
Attorney Docket No.: PP00953.120

: PETITION TO MAKE SPECIAL

This is in response to the petition filed November 15, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicants request the application be made special on the basis of M.P.E.P. 708.02, X relating to treatment of cancer. A review of the claims of the application and applicant's statement do not indicate any direct treatment for cancer, but for gastrointestinal disorders and/or wound healing.

Applicant has not satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **DENIED**.

The application will be taken up by the examiner for action in its proper turn.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9/10/08

TO SPE OF : ART UNIT 1626 Susannah Chung

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/700661 Patent No.: 7405235

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: The Certificate of Correction is denied because (1) it introduces new matter and (2) changes the scope of the claims. Specifically, the changes at columns 99, 109 and 111 are understood. It appears that the compounds do not correspond with the name of the compound at columns 100, 110 and 112 and the COC will correct this issue. The rest of the amendments to the specification are new matter. There does not appear to be support for the changes like in the previous situation. Also, the scope of claim 160 has been changed. The proposed structure broadens the scope of the claim by removing the chlorine limitation.

/Joseph K. McKane/ — **SPE**

1626 — **Art Unit**

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

12/17/09

Patent No. :7405235
Inventor(s) :Stuart B. Levy
Issued : 7/29/2008
Title : TRANSCRIPTION FACTOR MODULATING COMPOUNDS AND METHODS OF USE THEREOF
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that the certificate of correction is denied because it introduce new matter and changes the scope of the claims by the SPE. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

LAHIVE & COCKFIELD LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

HR

UNITED STATES PATENT AND TRADEMARK OFFICE

Pet. Dec.

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 21 2004

In re Application of GREY. Serial Number: 10/700,674 Filed: November 5, 2003 For: SURFACE CLEANING APPARATUS	: : : : :	PETITION UNDER M.P.E.P. 708.02 II

This is in response to the petition filed November 5, 2003, requesting that the above-identified application be granted Special Status under Section 708.02 II of the MPEP and 37 CFR 1.102. The fee required under 37 CFR 1.17(h) has been paid. The petition meets the requirements of section 708.02 II of the MPEP.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of turn because of a possible interference.

Should an appeal be taken or this case become involved in interference, then the Patent and Trademark Office, contingent upon diligent prosecution by applicant, will expedite consideration of the appeal or of the interference.

The petition is **GRANTED.**

R Crispino

Richard Crispino, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

Crowell & Moring LLP
Intellectual Property Group
PO Box 14300
Washington, DC 20044-4300

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent No. 6968587
Issue Date: November 29,2005
Application No. 10700674
Filed: November 5,2003
Attorney Docket No. 100103.52494C1

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed January 5,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 5,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,968,587	2005-11-29	10/700,674	2003-11-05	39550-43

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Richard D. Jordan/	Date (YYYY-MM-DD)	
Name	Richard D. Jordan	Registration Number	33519

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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FEB - 7 2006

OLIFF & BERRIDGE, PLC
P. O. BOX 19928
ALEXANDRIA, VA 22320

In re Application of	:
Pandurang D Deshpande et al	:
Serial No.: 10/700,679	: PETITION DECISION
Filed: November 5, 2003	:
Attorney Docket No.: 113337.01	:

This is in response to the petition under 37 CFR 1.181, filed November 16, 2005, requesting remailing of a non-received Office action.

A review of the file history shows that the examiner mailed an Office action to applicants on August 16, 2005, setting a three month shortened statutory period for reply. Applicants discovered the existence of the mailing of the Office action during a routine check of the PAIR system and noted that it had been mailed to the correct address, but never received. A review of the Image File Wrapper shows that the Office action was returned to the Office for unknown reasons. This clearly indicates that applicants never received the Office action which is also confirmed by their docket records. The application has not been held abandoned and the Office action will be remailed to applicants with a new period for reply being set.

The petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the Office action of August 16, 2005.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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March 2005

Wenderoth, Lind & Ponack, L.L.P.
2033 K Street N.W., Suite 800
Washington, DC 20006-1021

MAR 28 2005

In re Application of:	:	
Masahiro Ito et al.	:	DECISION ON PETITION
Serial No.: 10/700,680	:	TO WITHDRAW THE
Filed: November 5, 2003	:	HOLDING OF ABANDONMENT
Attorney Docket No.: 2003_1533A	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181 filed on November 9, 2004. There is no fee for this petition.

The petition is **GRANTED**.

This application became abandoned for failure to pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance. The Notice of Allowability and the Notice of Allowance and Fee(s) Due (hereinafter "Notices") were both mailed on June 30, 2004. A Notice of Abandonment was mailed on November 2, 2004.

Petitioner asserts that the Notice of Allowance was never received by the applicants. The petition provides the required showing under MPEP § 711.03(c) to establish nonreceipt of an Office action. It includes a statement from the practitioner stating that the Notice of Allowance of June 30, 20004 was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance was not received. It also includes a copy of the docket records where the nonreceived Notice of Allowance would have been entered had the Notice of Allowance been received. The evidence is sufficient to establish that the Notice of Allowance of June 30, 2004 was not received.

Accordingly, the Notice of Abandonment mailed November 2, 2004 is hereby **VACATED** and the holding of abandonment is withdrawn.

This application is being forwarded to the Technical Support Staff of Technology Center 2800 for the mailing of new "Notices." The mailing of a new Notice of Allowance and Fee(s) Due will set a new non-extendable due date for the payment of the Issue Fee.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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GODWIN, PAPPAS,
LANGLEY, RONQUILLO, LLP
5 HOUSTON CENTER, STE. 2700
1401 McKINNEY STREET
HOUSTON, TX 77010

COPY MAILED

FEB 15 2006

OFFICE OF PETITIONS

In re Application of :
Robert W. Evans :
Application No. 10/700,685 : DECISION
Filed: November 4, 2003 : ON PETITION
Title of Invention: :
JAR WITH ADJUSTABLE PRELOAD :

This is a decision on the petition under 37 CFR 1.181 to Revive Abandoned Application, filed December 19, 2005. The petition is properly treated as a petition to withdraw the abandonment of the application under 37 CFR 1.181.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 17, 2004. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, this application became abandoned on April 18, 2004.

The instant petition

Applicant responds with the instant petition wherein Applicant avers that a timely reply to the Notice was filed on March 2, 2004, and was received by this Office as evidenced by Applicant's return-receipt postcard. Applicant provides that, due to a scrivener's error, the application number was entered on the Cover Letter as application serial number 10/700,658, instead of 10/700,685.

The application papers filed on March 2, 2004 have been located and placed in application serial number 10/700,685. Apparently the Response to Notice was filed in this Office on March 2, 2004, and due to errors on the part of applicant and this Office, was inadvertently placed in application serial number 10/700,658. Accordingly, the petition is granted.

In view of the foregoing, the holding of abandonment is hereby withdrawn. The petition is granted.

No fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examination for correction of Office records to indicate that a Response to the Notice, including checks in the amount of $10.00 and $65.00, and 11 sheets of corrected drawings, were timely filed in this Office on March 2, 2004 and for further processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA PA 19103

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JUN 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Baker et al. :
Application No. 10/700,688 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. ISIS-5298 :

This is a decision on the "PETITION TO ESTABLISH THAT DRAWINGS ARE NOT NECESSARY UNDER 35 USC § 113 FOR A FILING DATE - RESPONSE TO 'NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed April 21, 2004. Applicants request that the above-identified nonprovisional application be accorded a filing date of November 4, 2003, with no drawings present in the application. A preliminary amendment deleting all references in the specification to Figures 1 through 3 accompanied the petition.

The petition is **GRANTED**.

Application papers in the above-identified application were deposited on November 4, 2003. However, on February 23, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application," stating, *inter alia*, that the application papers deposited November 4, 2003 had not been accorded a filing date because the application was deposited without drawings.

In response, applicants filed the instant petition. In essence, applicants assert that a drawing is not necessary for an understanding of the invention. Applicants cite PTO practice of according a filing date to an application filed without drawings if it also contains at least one process or method claim.

RELEVANT STATUTES AND REGULATIONS

35 U.S.C. 111(a)(4) provides that:

> The filing date of an application shall be the date on which the specification and any required drawing are received in the Patent and Trademark Office.

However, as stated in MPEP 601.01(f)

> It has been USPTO practice to treat an application that contains at least one process or method claim as an

> application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

In regards to withdrawing the Notice, MPEP § 601.01(f) also states that:

> a nonprovisional application having at least one claim ..., directed to subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application without all of the drawing figures referred to in the specification as discussed in MPEP § 601.01(g), so long as the application contains something that can be construed as a written description.

And, MPEP § 601.01(g) further provides that:

> If the application is filed without all of the drawing figure(s) referred to in the specification, ..., OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers so deposited have been accorded a filing date, but are lacking some of the figures of the drawings described in the specification.

DISCUSSION

A review of the application confirms that as filed it contained at least one method claim. Pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

However, as the specification in the instant nonprovisional application contained reference to drawing figures 1 through 3 (Brief Description of Drawings, p. 8 of Specification), mailing of a Notice requiring submission of those drawings was appropriate. The Office should have mailed a "Notice of Omitted Items" rather than a "Notice of Incomplete Nonprovisional Application." The "Notice of Incomplete Nonprovisional Application" mailed February 23, 2004, was mailed in error and is hereby **withdrawn**.

In view thereof, the application as originally deposited without drawings is entitled to a filing date of November 4, 2003.

Accordingly, the petition fee is being refunded to Deposit Account No. 23-3050, as authorized.

CONCLUSION

The Office of Initial Patent Examination (OIPE) has been advised of this decision. Pursuant to this decision, the application has been referred to OIPE for further processing **with a filing date of November 4, 2003** and for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing.

Telephone inquiries specific to this decision may be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 506
16869 SW 65TH AVENUE
LAKE OSWEGO OR 97035

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JUL 18 2007

OFFICE OF PETITIONS

In re Application of :
Eric Stephen Saylors, et al. :
Application No. 10/700,720 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. DWA:Single1 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed February 7, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Karen Dana Oster on behalf of all attorneys of record who are associated with customer No. 26970.

All attorneys/agents associated with the Customer Number 26970 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR JAMES N. HANSEN, BOARD MEMBER
DIGITAL WORLD ACCESS, INC.
5916 SUNBROOK DRIVE
LAKE OSWEGO, OR 97035

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/700,720	11/03/2003	Eric Stephen Saylors	DWA:Single1

CONFIRMATION NO. 6027

OC000000024864015

26790
LAW OFFICE OF KAREN DANA OSTER, LLC
PMB 506
16869 SW 65TH AVENUE
LAKE OSWEGO, OR 97035

Date Mailed: 07/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/07/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mahamedi Paradice Kreisman LLP (NLMI)
550 South Winchester Blvd.
Suite 605
San Jose, CA 95128

Mail Date: 04/21/2010

Applicant	: Sunder Rathnavelu Raj	: DECISION ON REQUEST FOR
Patent Number	: 7634500	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/700,722	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **925** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GODFREY & KAHN S.C.
780 NORTH WATER STREET
MILWAUKEE, WI 53202

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JAN 24 2007

OFFICE OF PETITIONS

In re Application of :
James M. Walker :
Application No. 10/700,731 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 005427-0007 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed November 7, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before October 16, 2006. This decision precedes the mailing of a Notice of Abandonment. However, on November 7, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
Commissioner of Patents
P.O. Box 1450
Alexandria, Va. 22313-1450
WWW.USPTO.GOV

Paula A. Borden
BOZIECEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025

Date: September 16, 2005
Application No. 10/700,735
Filed: November 3, 2003
Subject: CATIONIC LIPID COMPOSITIONS TARGETING ANGIOGENIC ENDOTHELIAL CELLS

ON PETITION
37 CFR 1.84

Receipt is acknowledged of the petition filed February 3, 2004, under 37 CFR 1.84. The petition will be decided under 37 CFR 1.84(a)(2), as a petition to accept color drawings. The petition was accompanied by the appropriate fee set forth under 37 CFR 1.17(h), three sets of color photographs. The required amendment to the first paragraph of the brief description of the drawings section of the specification has been inserted.
The petition is **GRANTED**.

THURMAN K. PAGE, M.A., J.D.
SUPERVISORY PATENT EXAMINER

THURMAN K. PAGE
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1615 & 1618
571-272-0602
Remsem 4A81
703-308-2927

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Glen Van Datta	: DECISION ON REQUEST FOR
Patent Number	: 7610402	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/700,777	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1756** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACQUES M. DULIN
INNOVATION LAW GROUP
237 N. SEQUIM AVENUE
SEQUIM, WA 98382

COPY MAILED

OCT 28 2005

OFFICE OF PETITIONS

In re Application of :
Jacques M. Dulin :
Application No. 10/700,784 : DECISION ON PETITION
Filed: November 3, 2003 : TO MAKE SPECIAL
Attorney Docket No. 7175-004US : 37 CFR 1.102(c)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 14, 2005 to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must be accompanied any evidence showing that the applicant is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor stating that Jacques M. Dulin is 70 years old. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Irvin Dingle at (571) 272-3210. All other inquires concerning either the examination or status of the application should be directed to Technology Center 1600 at (571) 272-1600.

The application is being forwarded to the Technology Center Art Unit 1614 for expedited prosecution.

Denise Pothier
Petitions Examiner
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6973166	2005-12-06	10700804	2003-11-03	TSUMPES.000GEN

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael Guiliana/	Date (YYYY-MM-DD)	2010-07-13
Name	Michael A. Guiliana	Registration Number	42611

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6973166
Issue Date: December 6,2005
Application No. 10700804
Filed: November 3,2003
Attorney Docket No.

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed July 13,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of July 13,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mailed
NOV 2004
MAY 23 2002 nLW
Technology Center 3600 2100

Franklin E. Gibbs, Esq.
1899 W. Brooks Ave.
North Las Vegas, NV 89032

In re application of
Robert T. Bigelow
Application No. 10/700,808
Filed: November 4, 2003
For: COVER FOR USE WITH AN INFLATABLE MODULAR STRUCTURE

: **DECISION ON PETITION**
: **TO MAKE SPECIAL**
: **(ENVIRONMENT) OR (ENERGY)**
:

This is a decision on the petition filed on November 4, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or alternatively, Section VI: Energy.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements under 37 CFR 1.102 by applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

Applicant's invention relates to a cover for an inflatable modular human habitat. The "Modular Habitat" is to be deployed in space for the purposes of conducting research in numerous areas of science, and energy within the environment of space.

Applicant's petition includes, *inter alia.,* a statement by applicant's attorney, Franklin E. Gibbs, Esq., and a declaration by applicant, Robert T. Bigelow.

The thrust of applicant's petition is that the cover of applicant's invention "is instrumental in the deployment of a Modular Habitat in space for research into technologies that would reduce reliance on basic life sustaining natural elements and materially contribute to the utilization and

conservation of energy sources. To that end, the cover for use with an inflatable modular structure is integral in the creation of the Modular Habitat and contributes to the aforementioned goals (statement by Mr. Gibbs, p.5)."

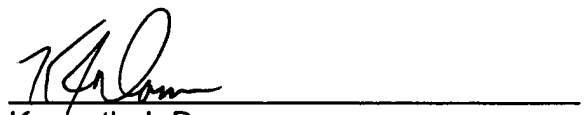
The statement by applicant's attorney, and the declaration by applicant are insufficient to grant either a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality, or a petition under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section VI: Energy. In this regard, petitioner's reasoning for granting either such petition is considered to be convoluted and tenuous, at best. Petitioner has failed to show a direct link between the cover of the above-noted application and either a material enhancement in the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, or a material contribution to the utilization and conservation of energy sources.

The petition to make special based on Environmental Quality is **DISMISSED.**

The petition to make special based on Energy is **DISMISSED.**

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicant should promptly submit a renewed petition to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/rwg: 11/09/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID BELASCO
BELASCO JACOBS & TOWNSLEY, LLP
6100 CENTER DRIVE
SUITE 630
LOS ANGELES, CA 90045

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JUN 27 2005

OFFICE OF PETITIONS

In re Application of
Chen, Wan-Tien
Application No. 10/700,835
Filed: November 3, 2003
Attorney Docket No. 03-500-JB

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 17, 2005, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the non-final Office action mailed December 16, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 17, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to Technology Center 2800 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
P.O. BOX 1219
SANDY UT 84070

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OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of :
David FIKSTAD et al. :
Application No. 10/700,838 : DECISION DISMISSING PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 23625 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 3, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional applications set forth in the concurrently filed amendment.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The amendment submitted concurrently with the petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in

a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

In view of the above, the petition is **DISMISSED.**

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to David Bucci at (571) 272-7099.

Brian Hearn
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

RECEIVED
CENTRAL FAX CENTER

OCT 03 2005

Patent App. SN: 10/700,838
Attorney Docket No. 23625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Fikstad et al.
SERIAL NO.:	10/700,838
FILED:	November 3, 2003
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE
ART UNIT:	1614
EXAMINER:	Royds, L.
DOCKET NO.:	23625

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.

Judy Anderson

Judy Anderson

10/3/2005

Date of Deposit

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. § 1.78(a)(3)

5

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t).

PAGE 2/4 * RCVD AT 10/3/2005 5:13:38 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:566 6673 * DURATION (mm-ss):01-26

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UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
SANDY UT 84070

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NOV 15 2005

OFFICE OF PETITIONS

In re Application of :
David FIKSTAD et al. :
Application No. 10/700,838 : DECISION DISMISSING PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 23625 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 7, 2005, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of prior-filed nonprovisional applications set forth in the concurrently filed amendment.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The amendment submitted concurrently with the petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment does not include an instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs and, as such, does not comply with 37 CFR 1.121.

Application No. 10/700,838

In view of the above, the petition is **DISMISSED.**

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3).[1]

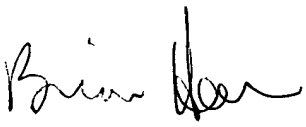
Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to David Bucci at (571) 272-7099.



Brian Hearn
Petitions Examiner
Office of Petitions

[1] The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).

UNITED STATES PATENT AND TRADEMARK OFFICE

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THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 200
SANDY UT 84070

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Donald FIKSTAD et al. :
Application No. 10/700,838 : DECISION ON PETITION
Filed: November 3, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 23625 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 1, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

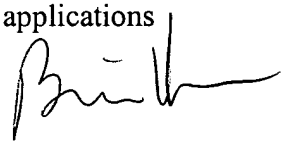
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1614 for appropriate action on the amendment filed December 1, 2005, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications



Brian Hearn
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY UT 84111

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AUG 3 1 2004

OFFICE OF PETITIONS

In re Application of :
James Stewart et al :
Application No. 10/700,845 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 15436.253.86.1 :

This is a decision on the petition under 37 CFR 1.182, filed June 8, 2004, to change the name of one of the inventors.

The petition is **Granted**.

A corrected Filing Receipt with the desired name change accompanies this decision on petition.

This application is being referred to Technology Center AU 2828.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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INVISTA NORTH AMERICA S.A.R.L.
THREE LITTLE FALLS CENTRE/1052
2801 CENTERVILLE ROAD
WILMINGTON, DE 19808

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AUG 24 2006

OFFICE OF PETITIONS

In re Application of :
Young H. Kim et al :
Application No. 10/700,857 : DECISION GRANTING PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. CL2207USNA :

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 16, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 17, 2005. A Notice of Abandonment was mailed on December 30, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the $1,500 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of June 16, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1711 for appropriate action in the normal course of business on the reply received January 5, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON DE 19805

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of
Young H. Kim et al.
Application No. 10/700,859
Filed: November 4, 2003
Attorney Docket No.: CL1983 US NA
Title: AQUEOUS DISPERSIONS OF POLYUREAURETHANES

DECISION ON PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition under 37 CFR §1.137(b)[1], filed December 22, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed February 4, 2004, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 5, 2004. A Notice of Abandonment was mailed on November 29, 2004.

With the petition, Petitioner has submitted the petition fee, a declaration which has been executed by each of the three joint inventors, the surcharge, and the proper statement of unintentional delay.

It is noted that the declaration does not comply with 37 C.F.R. §1.63 in that it contains a non-initialed and non-dated change by inventor Kim[2].

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The Power of Attorney and Correspondence Address has been entered and made of record. However, it is noted that Petitioner's correspondence address does not match the address associated with customer number 23906. As such, the address listed on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, another change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: SMINK ROGOWSKI,PATRICIA
Connolly Bove Lodge and Hutz LLP
The Nemours Building
1007 North Orange Street, P.O. Box 2207
Wilmington, DE 19899

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

DAVIDSON, DAVIDSON & KAPPEL, LLC
14th Floor
485 Seventh Avenue
New York NY 10018

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APR 12 2005

OFFICE OF PETITIONS

In re Application of :
Benjamin Oshlack et al. :
Application No. 10/700,861 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No.: :
200.1133CON3 :
Title: TAMPER-RESISTANT ORAL :
OPIOID AGONIST FORMULATIONS :

This is a decision on the petition filed February 11, 2005, requesting that the above-identified application, including page 50 of the specification, be accorded a filing date of November 4, 2003 as part of the original disclosure.

The application was deposited on November 4, 2003. However, on February 1, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (notice), stating that the application had been accorded a filing date, and advising applicants that page 50 of the specification appeared to have been omitted. The notice set a two-month period of reply.

In response, on February 11, 2005, applicants filed the present petition. The petition is further accompanied by a copy of page 50 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification (86 pages)" in the United States Patent and Trademark Office (Office) on November 4, 2003. Applicants request that page 50 of the specification be accorded a filing date of November 4, 2003.

It is noted that 76 pages of specification have been located in the electronic file, along with 8 pages of claims and a 1 page abstract.

Upon review of the record, the above-mentioned page has not been located among the application papers. However, the evidence is convincing that the application papers deposited on November 4, 2003

included page 50 of the specification, and this sheet was subsequently misplaced in the Office.

Therefore, the application, including page 50 of the specification, was complete on filing and entitled to a filing date of November 4, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed February 1, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of November 4, 2003, using the original application papers filed on that date, as well as page 50 of the specification submitted on February 11, 2005, and for noting in Office records that this sheet was present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Christopher William Gregory	: DECISION ON REQUEST FOR
Patent Number	: 7627362	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/700,876	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1730** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OIW 12-04

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FOLEY & LARDNER
500 WOODWARD AVENUE
SUITE 2700
DETROIT MI 48226-3489

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DEC 14 2004

OFFICE OF PETITIONS

In re Application of	:	
Hernandez, Collins, Hollis,	:	
Schiffer, and Whitley	:	DECISION REFUSING STATUS
Application No. 10/700,878	:	UNDER 37 CFR 1.47(a)
Filed: 4 November, 2003	:	
Attorney Docket No. 026032-4626	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 9 November, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 4 November, 2003, without an executed oath or declaration. Accordingly, on 10 September, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, a surcharge for its late filing, and replacement drawings in compliance with 37 CFR 1.84 and 1.121.

In response, on 9 November, 2004, petitioners filed replacement drawings, the present petition, the petition fee and surcharge

and a declaration naming Cynthia Hernandez, Alan Collins, Marne Hollis, Charlotte Schiffer, and Roger Whitley as joint inventors and signed by joint inventors Hernandez, Collins, and Whitley on behalf of themselves and non-signing joint inventors Hollis and Schiffer.

Petitioners assert that a copy of the declaration was sent to each of the non-signing inventors. The letter sent to joint inventor Schiffer was returned as undeliverable, while no response was received from joint inventor Hollis. A copy of the envelope showing the letter to Schiffer was returned as undeliverable is attached.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1) and (2).

In regards to item (1), petitioners have not provided details of the efforts made to locate non-signing inventor Schiffer. Such details should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, petitioners may show diligent efforts by use of a national registry or other database to determine a current address for the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address. If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

Furthermore, since the letter sent to joint inventor Hollis was not returned as undeliverable, it is presumed that the inventor received it and is not unavailable. As such, before a *bona fide* refusal can be shown, petitioners must provide proof that a copy

of the application as filed (specification, including claims, drawings, if any, and the declaration) was sent to Hollis, but that she refused, either orally or in writing, to sign the declaration or did not return it.

If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts. If the application is returned as undeliverable, petitioners should present a copy of the envelope showing that the application sent to the last known address of the non-signing inventor was returned as undeliverable by the post office.

In regards to item (2), the declaration contains is defective in that it contains non initialed and/or non-dated alterations.[1] Specifically, there is an uninitialed and/or undated alteration in the signature block(s) for joint inventor Collins. It is further noted that the copy of the declaration signed by Hernandez contains Collins' signature block on Page 4 of 5, while the declaration signed by Whitley contains Collins' signature block on Page 5 of 5. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, signed by the inventor to whom the error or deficiency relates is required.[2]

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

---

[1] See 37 CFR 1.52(c).

[2] 37 CFR 1.67(a)(2).

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

/D Wood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee WI 53202-5306

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JOHN VANOPHEM
FOLEY & LARDNER
500 WOODWARD AVENUE
SUITE 2700
DETROIT MI 48226-3489

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MAR 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Hernandez, Collins, Hollis,	:	
Schiffer, and Whitley	:	DECISION REFUSING STATUS
Application No. 10/700,878	:	UNDER 37 CFR 1.47(a)
Filed: 4 November, 2003	:	
Attorney Docket No. 026032-4626	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a) on 14 February, 2005.

The petition is again **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 4 November, 2003, without an executed oath or declaration. Accordingly, on 10 September, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, a surcharge for its late filing, and replacement drawings in compliance with 37 CFR 1.84 and 1.121. In response, on 9 November, 2004, petitioners filed replacement drawings, a petition under 37 CFR 1.47(a), the petition fee and surcharge and a declaration naming Cynthia

Hernandez, Alan Collins, Marne Hollis, Charlotte Schiffer, and Roger Whitley as joint inventors and signed by joint inventors Hernandez, Collins, and Whitley on behalf of themselves and non-signing joint inventors Hollis and Schiffer. The petition was dismissed on 14 December, 2004.

The present renewed petition was filed on 14 February, 2005. Petitioners assert that a copy of the declaration was sent to each of the non-signing inventors. The letter sent to joint inventor Schiffer was returned as undeliverable, while no response was received from joint inventor Hollis. A copy of the envelope showing the letter to Schiffer was returned as undeliverable is attached.

Petitioners have provided a statement of facts by Jodi Hemmeke stating that a copy of the application papers was sent to inventors Hollis and Schiffer, and that an online search was performed to determine more recent addresses for both non-signining inventors, but that no addresses were discovered. Petitioners further assert that the original oath or declaration as filed is proper.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

In regards to item (2), the declaration is defective because (a) it is unclear whether all of the inventors signed a declaration naming the proper inventive entity and (b) the declaration contains is defective in that it contains non initialed and/or non-dated alterations.[1]

[1] See 37 CFR 1.52(c).

As stated previously, the copy of the declaration signed by Hernandez contains Collins' signature block on Page 4 of 5, while the declaration signed by Whitley contains Collins' signature block on Page 5 of 5.

MPEP 201.03 states, in pertinent part:

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, *each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity.* Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declarations may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).
>
> (Emphasis added)

Additionally, as stated previously, the signature block(s) for joint inventor Collins contain alterations in that the residence city for joint inventor Collins has been altered. Additionally, the signature block for joint inventor Collins on Page 5 of 5 has a cross-out in it.

While petitioners argue that 37 CFR 1.52(c)(1) permits such an alteration as long as the applicant has signed on the same sheet of paper, MPEP 602.01 states that the wording of an oath or declaration cannot be amended, altered, or changed in any manner after it has been signed. Here, it is unclear whether the alteration was made before or after joint inventor Collins signed the declaration. As such, a new oath or declaration signed by joint inventor Collins is required. Likewise, the cross-out in the signature block for joint inventor Collins on Page 5 of 5 suggests that Collins may not be an inventor on the declaration listing Hollis, Schiffer, and Whitley as joint inventors. Therefore, the declaration does not clearly indicate what each inventor believes to be the appropriate inventive entity. As such, a new oath or declaration in compliance with 37 CFR 1.63

and 1.67, signed by all of the signing inventors on behalf of themselves and the non-signing inventors, is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/700,881	11/03/2003	2125	770	8373.319US01	25	16	3

CONFIRMATION NO. 5926

CORRECTED FILING RECEIPT

OC000000012342753

23552
MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

Date Mailed: 04/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Takashi Magario, Nagano, JAPAN;
Yoshitomi Uchikawa, Nagano, JAPAN;
Kazuo Usui, Nagano, JAPAN;

Assignment For Published Patent Application

Nissei Plastic Industrial Co., Ltd., NAGANO, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2002-322904 11/06/2002
JAPAN 2002-322915 11/06/2002
JAPAN 2002-322965 11/06/2002

If Required, Foreign Filing License Granted: 02/03/2004

Projected Publication Date: 05/13/2004

Non-Publication Request: No

Early Publication Request: No

Title

Molding machine control system

Preliminary Class

700

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WOODCOCK WASHBURN, LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

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JAN 14 2005

OFFICE OF PETITIONS

In re Application of	:
Brenda F. Baker, et. al.	:
Application No. 10/700,884	: DECISION ON PETITION
Filed: November 4, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. ISIS-5317	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 3, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(I) of the prior-filed application(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed application on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, supra at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Window 2011 South Clark Place Crystal Plaza Two Lobby Room 1B03 Arlington, VA 22202
By fax:	(703) 872-9306 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Frances Hicks
Lead Petitions Examiner

[1] *Note* 37 CFR 1.121

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OFFICE OF PETITIONS

In re Application of
Brenda F. Baker et al
Application No. 10/700,884
Filed: November 4, 2003
Attorney Docket No. ISIS-5317

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 28, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending application was filed on November 4, 2003, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration

of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center Art Unit 1635 for appropriate action on the amendment filed January 28 2005, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

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DAVIDSON, DAVIDSON & KAPPEL, LLC
14th Floor
485 Seventh Avenue
New York, NY 10018

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OFFICE OF PETITIONS

In re Application of
Oshlack et al.
Application No. 10/700,906
Filed: November 4, 2003
Attorney Docket No. 200.1133CON5

Decision on Petition

This is a decision on the petition filed October 6, 2004, which is being treated as a petition under 37 CFR 1.53(e)(2), to establish that page 50 of the specification was part of the originally filed application.

The application was filed on November 4, 2003. On September 28, 2004, a Notice was mailed stating that page 50 of the specification did not appear to be included as part of the application filed.

The present petition alleges that page 50 was deposited on November 4, 2003. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 86 pages of specification on November 4, 2003.[1]

The USPTO file for this application includes only 85 pages of specification and does not include page 50 of the specification. Based on the evidence submitted, the Office concludes the missing page was part of the application but was later misplaced. Therefore, the petition is **granted**.

The petition fee of $130 will be credited to petitioner's deposit account.

The Notice mailed September 28, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of the instant decision and will further process the application with a filing date of November 4, 2003, using the application papers filed on November 4, 2003, and the copy of page 50 of the specification filed on October 6, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

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Fenwick & West, LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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OFFICE OF PETITIONS

In re Application of :
Derek A. Adelman et al. :
Application No. 10/700,907 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. 23512-07532 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 9, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Robin W. Reasoner does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Therefore, there is no authority to sign the request to withdraw on behalf of the attorneys of record, Greg T. Sueoka and Nathan Huynh.

All future communications from the Office will continue to be directed to the address above until otherwise properly notified by the applicant.

A Notice of Appeal was filed on September 10, 2007. Failure to timely file an Appeal Brief will result in the abandonment of this application.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Meyertons, Hodd, Kivlin, Kowert
& Goetzel, P.C.
Attn: Noel Kivlin
The Chase Building
700 Lavaca, Suite 800
Austin, TX 78701

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Fenwick & West, LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

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APR 2 8 2008

OFFICE OF PETITIONS

In re Application of :
Derek A. Adelman et al. :
Application No. 10/700,907 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. C23512-07532 : FROM RECORD
:

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 7, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed Greg T. Sueoka on behalf of all attorneys/agents associated with customer number 00758. All attorneys/agents/associated with customer number 00758 have been withdrawn.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. Accordingly, all correspondence will be mailed to the first signing inventor. A courtesy copy of this decision will be mailed to the address noted on the request to withdraw. If you would like to receive future correspondence regarding this application, then the proper power of attorney documents must be submitted.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Derek A. Adelman
2736 Hallmark Drive
Belmont, CA 94002

cc: Meyertons, Hodd, Kivlin, Kowert & Goetzel, P.C.
Attn: B. Noel Kivlin
The Chase Building
700 Lavaca, Suite 800
Austin, TX 78701

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/700,907	11/03/2003	Derek A. Adelman	23512-07532

CONFIRMATION NO. 7763

POWER OF ATTORNEY NOTICE

758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 04/28/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/07/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

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OFFICE OF PETITIONS

In re Application of :
Bethiel et al. :
Application No. 10/700,936 : DECISION ON PETITION
Filed: 11-04-2003 :
Attorney Docket No. VPI/02-123 US :

This is a decision on the petition under 37 CFR 1.181, filed January 22, 2007, to withdraw the holding of abandonment for the above-identified application.

On August 28, 2006, the Office mailed a Notice of Allowance and Fee(s) Due (Notice of Allowance), which set a three-month statutory period for reply. In the absence of a timely filed response, the application became abandoned on November 29, 2006. A Notice of Abandonment was mailed on December 28, 2006.

In the present petition, the practitioner stated that she did not receive the Notice of Allowance and requested that the Office withdraw the holding of abandonment, re-mail the Notice and restart the period for reply.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Allowance, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See MPEP 711.03(c)(I)(A). For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the

non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant the withdrawal of the holding of abandonment. The practitioner for applicant submitted copies of docket records where the Notice of Allowance would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the Notice of Allowance was not received. Accordingly, applicant presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 1624 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new Notice of Allowance. The three (3) month statutory time period for responding to the Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6910447	2005-06-28	10700950	2003-10-31	36171

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Jeffrey A. Proehl/	Date (YYYY-MM-DD)	2010-03-29
Name	Jeffrey A. Proehl	Registration Number	35987

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Patent No. 6910447
Issue Date: June 28,2005
Application No. 10700950
Filed: October 31,2003
Attorney Docket No. 23-0339

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed March 29,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 29,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Barbara Bell	: DECISION ON REQUEST FOR
Patent Number	: 7588825	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/700,970	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1269** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ISIS PHARMACEUTICALS INC
1896 RUTHERFORD RD.
CARLSBAD CA 92008

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MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Manoharan et al.	:	DECISION ON PETITION
Application No. 10/700,971	:	TO WITHDRAW
Filed: November 4, 2003	:	FROM RECORD
Attorney Docket No. CHEM0005US.P1	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on July 12, 2006 the power of attorney was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the above address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Woodcock Washburn LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia PA 19104-2891

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Workman, Nydegger (F/K/A Workman Nydegger & Seeley)
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, UT 84111

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AUG 3 0 2004

OFFICE OF PETITIONS

In re Application of :
James Stewart, et al. :
Application No. 10/700,981 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 15436.253.88.1 :

This is a decision on the petition under 37 CFR 1.182, filed June 8, 2004, to change the name of one of the inventors.

The petition is **GRANTED**.

The name of the second inventor has been changed from Stephen G. Hosking to **Lucy G. Hosking**.

The application file is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision may be directed to the undersigned at (703) 306-3475.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

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MAR 25 2010

OFFICE OF PETITIONS

In re Application of
Audrey Goddard et al.
Application No. 10/700,992
Filed: Novembe 3, 2003
Attorney Docket No: GNE-0304 R1C1

ON PETITION

This is a decision on the petition filed January 13, 2010 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed December 21, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned April 24, 2007. Accordingly, a Notice of Abandonment was mailed July 6, 2007.

This matter is being referred to Technology Center 1646 for appropriate action on the amendment filed January 13, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

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APR 16 2008

In re Application of :
NAG, Siddhartha :
Application No. 10/701,017 :
Filed: November 3, 2003 :
Attorney Docket No. 6057-44003 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 26, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 24, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 25, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Ashok Tankha appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Tankha desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The application is being referred to Technology Center Art Unit 2144 for consideration of the amendment filed March 26, 2007.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ASHOK TANKHA
36 GREENLEIGH DRIVE
SEWELL, NJ 08080

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Sadler, Breen, Morasch & Colby
422 W. Riverside Ave, Suite 424
Spokane WA 99201

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AUG 25 2009

OFFICE OF PETITIONS

In re Application of	:	
Siddhartha Nag	:	
Application No. 10/701,017	:	DECISION GRANTING PETITION
Filed: November 3, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PROM0009	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 24, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1] .

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2444 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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CHRISTIE PARKER & HALE LLP
PO BOX 7068
PASADENA CA 91109-7068

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Spanjers, et al.	:	
Application No. 10/701,030	:	DECISION ON PETITION
Filed: November 3, 2003	:	
Attorney Docket No. 51438/JWP/W382	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 14, 2005. The petition was recently forwarded to the Office of Petitions for consideration.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a response to the Notice to File Missing Parts mailed August 13, 2004. This Notice set an extendable period for reply of two (2) months. Therefore, the last day a reply could have been timely filed, with a five (5) month extension of time, would have been March 13, 2005.

Applicants filed a response to the Notice to File Missing Parts on March 14, 2005, made timely by obtaining a five month extension of time, and by the fact that March 13, 2005 fell on a Sunday. See 37 CFR 1.7(a). As such, the reply was timely filed.

The matter is being forwarded to Group Art Unit 3643 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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JGJr: 09-04

Paper No: __

DAVIDSON, DAVIDSON
& KAPPEL, LLC
14TH FLOOR
485 SEVENTH AVENUE
NEW YORK NY 10018

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OFFICE OF PETITIONS

In re Application of:
Oshlack
Filed: 4 November, 2003
Application No. 10/701,041
Docket No. 200.1133CON2

DECISION ON PETITION

This is a decision on the letter, considered as a petition, filed on 25 August, 2004, under 37 C.F.R. §1.53 as a request that the application obtain a filing date of 4 November, 2003, for page numbered 50 (specification: description) of the application.

The petition under 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

This nonprovisional application was deposited on 4 November, 2003.

On 24 June, 2004, the Office mailed a "Notice of Omitted Items in a Nonprovisional Application," and indicated that, while a filing date had been granted, "Page(s) 50 of the specification (description and claims)" appeared to have been omitted from the application.

Petitioner responded with a petition on 25 August, 2004,[1] along with, *inter alia*, a copy of the

[1] Petitioner's Certificate of Mailing is incomplete, and neither sets forth the date of mailing nor is dated therein. However, in a telephone conversation of 20 September, 2004, the Office confirmed with Petitioner that his transmittal authorized the charge of extensions of time to Deposit Account 50-0552, and a one- (1-) month extension of time ($110.00) is so charged.

"Page(s) 50 of the specification (description ***)," and a copy of the date-stamped ("110403 ") receipt card indicating, *inter alia*, that the following items had been received by the Office:

* * *

Continuation Utility Application Transmittal (4 pages);
Specification (86 pages);
Informal drawings (3 pages);
Copy of Executed Declaration and Power of Attorney (2 pages);
Certificate of Express Mail (1 page);
Preliminary Amendment (5 pages)

* * *

As is clear from the foregoing, the receipt card (see: MPEP §503[2]) did not specify the pages containing the Specification, Claims and Abstract, however, a review of the record indicates that the Description is contained in pages 1 through 77, the Claims in pages 78 through 85, and the Abstract page 86–and of the pages present in the record (1 through 49, 51 through 86), there are no duplicate pages.

---

[2] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

Because the return postcard receipt properly itemizes the contents of the application package in accordance with MPEP §503, the Office concludes that the page 50 of the specification (description) of the application was submitted on 4 November, 2003, and subsequently was misplaced in the Office.

Accordingly, the petition under 37 C.F.R. §1.53 is **granted**; the petition fee is waived; and the Notice mailed on 24 June, 2004, hereby is withdrawn as to page 50 of the specification (description) of the application.

This application is released to the Office of Initial Patent Examination for further processing with a filing date of 4 November, 2003, using:

1. pages 1 - 49 and 51 - 86 (Specification, Claims, Abstract, and 3 sheets of drawings, deposited on 4 November, 2003; and

2. page 50 (Specification: description), deposited on 25 August, 2004;

3. with direction to OIPE to correct Office records to reflect that 86 pages of specification (description, claims and abstract) and 3 sheets of drawings were present on filing on 4 November, 2003, and forward to Petitioner a corrected filing receipt setting forth a filing date of 4 November, 2003, reflecting therein that 86 pages of specification (description, claims and abstract) and 3 sheets of drawings were present on filing.

Thereafter, the application will be considered by the examiner in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703)305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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TECHNOLOGY CENTER 3600

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JENNIFER MEREDITH
MEREDITH & KEYHANI
330 MADISON AVE.
6TH FLOOR
NEW YORK, NY 10017

In re application of Charles J. Zapiec et al. Application No. 10/701,056 Filed: November 4, 2003 For: PROFESSIONAL TIME TRACKING AND RECOUPING SYSTEM AND SOFTWARE	: : : : : : :	DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on January 11, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for

reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item A).

The attorneys listed on the original declaration do not match those appointed in Customer No. 30332. The names listed in the Power of Attorney filed December 19, 2003 were Thomas Champagne and Jennifer Meredith. The attorneys listed for Customer No. 30332 are Jonathan Schafrann and Jennifer Meredith.

It is suggested that the request be resubmitted and that such request specifically state "the signing attorney is signing on behalf of all attorneys of record in this application. There is a box on the form that can be checked indicating this.

Randolph Reese
Special Programs Examiner
Patent Technology Center 3600
(703) 308-2121

RR/dew: 3/02/06

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20091130

DATE : November 30, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7,199,977

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved** All changes apply.

☒ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

"In the drawings, Sheet 10, Figure 6, label "Fig. 6" should be removed" is not approved. There is no such label.

Angel A. Castro
Primary Examiner
AU 2627

/WAYNE R YOUNG/
Supervisory Patent Examiner.Art Unit 2627

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BETHESDA, MD 20817

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APR 20 2006

OFFICE OF PETITIONS

In re Application of :
John Mark Torkelson et al : DECISION ON PETITION
Application No. 10/701,067 : TO WITHDRAW
Filed: November 5, 2003 : FROM RECORD
Attorney Docket No. 6313.190A :

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas P. Liniak, an attorney of record.

Thomas P. Liniak has been withdrawn as attorney or agent of record; the other attorneys remain of record.

This application is being referred to Technology Center AU 1714.

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

David Bucci
Petitions Examiner
Office of Petitions

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Joseph W. Berenato, III
Liniak, Berenato & White, LLC
Suite 240
6550 Rock Spring Drive
Bethesda MD 20817

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OFFICE OF PETITIONS

In re Application of :
Torkelson, et al. :
Application No. 10/701,067 : DECISION ON PETITION
Filed: November 5, 2003 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 6313.190A :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 21, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The instant nonprovisional application was pending at the time of filing of the reference to the

prior-fiiled provisional application as required by 37 CFR 1.78(a)(5)(iii). Additionally, the instant nonprovisional application was filed within twelve months of the filing date of the prior-filed provisional application, Application No. 60/423,591, which was filed on November 5, 2002, for which priority is claimed.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1714 for appropriate action on the amendment submitted February 21, 2006, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application No. 60/423,591.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/701,067	11/05/2003	1714	900	6313.190A	5	17	3

CONFIRMATION NO. 6310

CORRECTED FILING RECEIPT

OC000000018655640

Joseph W. Berenato, III
Liniak, Berenato & White, LLC
Suite 240
6550 Rock Spring Drive
Bethesda, MD 20817

Date Mailed: 05/01/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

John Mark Torkelson, Skokie, IL;
Andrew Lebovitz, Des Plaines, IL;
Kosmas Kasimatis, Chicago, IL;
Klementina Khait, Skokie, IL;

Power of Attorney:

Joseph Berenato III--30546
Karen Orzechowski--31621
John White--32634
Jeffrey Auerbach--32680
Matthew Stavish--36286
George Ayvazov--37483
Matthew Johnston--41096
William Schrot--48447
Wesley Muller--50988

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/423,591 11/05/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/701,067

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Method of producing exfoliated polymer-clay nanocomposite and polymer-clay nanocomposite produced therefrom

Preliminary Class

524

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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JUN 18 2008

OFFICE OF PETITIONS

In re Application of :
Barbara Jane Wight :
Application No. 10/701,076 : DECISION ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 051481-5119 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 14, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 15, 2007. A Notice of Abandonment was mailed on January 22, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature of Robert T. Canavan appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2836 for appropriate action by the Examiner in the normal course of business on the reply received January 24, 2008.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Robert T. Canavan
Canavan & Monka, LLC
62 Grove Street
Somerville, NJ 08876

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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APR 18 2005

OFFICE OF PETITIONS

In re Application of :
Stefan Diesner, et al. :
Application No. 10/701,079 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 095309.52897US :

This is a decision on the petition, filed April 15, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 25, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2837 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: " Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No.

STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
1455 ROSS AVENUE
DALLAS, TX 75202-2799

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of:
Dabney et al.
Application No. 10/701,085
Filed: November 4, 2003
Title of Invention:
CONSUMER FEEDBACK IN CONTENT MANAGEMENT SYSTEMS

LETTER

This is in response to a Petition under 37 CFR 1.47(a), filed December 23, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventors, Christopher J. Feola, Michael Blane Dabney, David Thomas Hill, Lourdes Maria Trujillo, Melda Marie Washington and Ronald Gene Lee, refuse to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to Technology Center Art Unit 2874 for examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Christopher J. Feola
5233 Shadow Glen Drive
Grapevine, TX 76051

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of: :
Dabney et al. :
Application No. 10/701,085 : LETTER
Filed: November 4, 2003 :
Title of Invention: :
CONSUMER FEEDBACK IN CONTENT :
MANAGEMENT SYSTEMS :

Dear Mr. Feola:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
1455 ROSS AVENUE
DALLAS, TX 75202-2799

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Michael Blane Dabney
757 N. Van Buren Avenue
Dallas, TX 75208

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of: :
Dabney et al. :
Application No. 10/701,085 : LETTER
Filed: November 4, 2003 :
Title of Invention: :
CONSUMER FEEDBACK IN CONTENT :
MANAGEMENT SYSTEMS :

Dear Mr. Dabney:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
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DALLAS, TX 75202-2799

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Melda Marie Washington
1900 Elm Street, Apt. #V 801
Dallas, TX 75201

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of:
Dabney et al.
Application No. 10/701,085
Filed: November 4, 2003
Title of Invention:
CONSUMER FEEDBACK IN CONTENT MANAGEMENT SYSTEMS

LETTER

Dear Ms. Washington:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
1455 ROSS AVENUE
DALLAS, TX 75202-2799

UNITED STATES PATENT AND TRADEMARK OFFICE

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Lourdes Maria Trujillo
619 Laura Lane
Grand Prarie, TX 75052

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of: :
Dabney et al. :
Application No. 10/701,085 : LETTER
Filed: November 4, 2003 :
Title of Invention: :
CONSUMER FEEDBACK IN CONTENT :
MANAGEMENT SYSTEMS :

Dear Ms. Trujillo:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
3200 FOUNTAIN PLACE
1455 ROSS AVENUE
DALLAS, TX 75202-2799

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Ronald Gene Lee
557 Greenwood Circle
Hurst, TX 76053

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of:
Dabney et al.
Application No. 10/701,085
Filed: November 4, 2003
Title of Invention:
CONSUMER FEEDBACK IN CONTENT MANAGEMENT SYSTEMS

LETTER

Dear Mr. Lee:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
JENKINS & GILCHRIST, P.C.
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David Thomas Hill
5349 Cattlebaron Drive
Fort Worth, TX 76108

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of: :
Dabney et al. :
Application No. 10/701,085 : LETTER
Filed: November 4, 2003 :
Title of Invention: :
CONSUMER FEEDBACK IN CONTENT :
MANAGEMENT SYSTEMS :

Dear Mr. Hill:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: STEVEN R. GREENFIELD
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3400 W. PLANO PARKWAY, MS LEGL2
PLANO, TX 75075

Mail Date: 04/30/2010

Applicant	: Richard Marion Czerwiec	: DECISION ON REQUEST FOR
Patent Number	: 7609622	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/701,089	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1292** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

Mail Date: 04/20/2010

Applicant	: Julie Anne Loeger	: DECISION ON REQUEST FOR
Patent Number	: 7630935	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,098	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **59** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

OCT 14 2008

OFFICE OF PETITIONS

In re Application of:
CAMP, William O., Jr.
Application No.: 10/701,100
Filed: November 4, 2003
Attorney Docket No.: 9314-56

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MYERS BIGEL SIBLEY & SAJOVEC, P.A
PO BOX 37428
RALEIGH NC 27627

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of:
CAMP, William O., Jr.
Application No.: 10/701,100
Filed: November 4, 2003
Attorney Docket No.: 9314-56

DECISION APPROVING
WITHDRAWAL OF ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of Record under 37 CFR § 1.36, filed October 2, 2008.

The Request is **APPROVED**.

Debra K. Stephens requests that she alone be withdrawn as an attorney under 37 CFR § 1.36, pursuant to the reason set forth under 37 CFR § 10.40(b)(2), because of her current employment by the United States Patent and Trademark Office. Since the Request satisfies all of the requirements for withdrawal, it is appropriate to approve the Request and withdraw only Ms. Stephens as an attorney of record.

All future communications from the Office will continue to be directed to the above-identified correspondence address.

A courtesy copy of this decision is being mailed to Ms. Stephens at the address identified in the Request.

Telephone inquiries relating to this decision should be directed Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions

Cc: Debra K. Stephens
301 Edgemore Avenue
Cary, NC 27519

Hi Scanner,

Would you please rescan this decision that was signed by Brian Brown and the delete the other one because it didn't has a signature.

Thank you in advance.
Ckhlok

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dellas W. Lee
4811 - 16th Street
Lubbock TX 79416

COPY MAILED

MAR 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Lee :
Application No. 10/701,102 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. BEN2003 :
For: UNIVERSAL HAMMOCK SUPPORT

This is a decision on the petition under 37 CFR 1.137(b), filed on January 24, 2005 to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the May 27, 2004 non-final Office action which set an extendable three (3) month period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on August 28, 2004. A Notice of Abandonment was mailed on December 9, 2004.

Applicant has submitted an informal amendment in reply to the May 27, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 27, 2004 non-final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center 3600's technical support staff for entry of the informal amendment filed on January 24, 2005.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/701,104	11/04/2003	Stephen W. Steffes	172-03

CONFIRMATION NO.
4416

PAUL AND PAUL
2900 TWO THOUSAND MARKET STREET
PHILADELPHIA PA 19103

Date Mailed: April 13, 2005

Decision Dismissing Petition under 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:062905

DATE : June 29, 2005

TO SPE OF : ART UNIT 2827

SUBJECT : Request for Certificate of Correction on Patent No.: 6813176

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: David Nelms **Art Unit** 2827

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Ann Marie Mewherter
Conley Rose, P.C.
P. O. Box 684908
Austin, TX 78768-4908

COPY MAILED

MAY 2 0 2004

OFFICE OF PETITIONS

In re Application of :
Amin Samsavar, et al. :
Application No. 10/701,112 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 5589-030801 :

This is in response to the "Petition Under 37 CFR 1.47(a), filed April 15, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

Petitioner has not provided a statement as to whether the nonsigning inventor, Rainer Schierle, refuses to sign the application or cannot be located. MPEP 409.03(d) states in pertinent part:

> "Where an inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made...

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions...

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The application cannot be accorded Rule 47 status until it is shown that the nonsigning inventor cannot be reached or refuses to sign the application.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

Telephone inquiries should be directed to the undersigned at (703) 306-3475.

Marianne E. Morgan

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/701,112	11/04/2003	2858	2460	5589-03801	14	78	9

CONFIRMATION NO. 6597

Conley Rose, P.C.
P.O. Box 684908
Austin, TX 78768-4908

CORRECTED FILING RECEIPT

OC000000013165177

Date Mailed: 07/07/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Amin Samsavar, San Jose, CA;
John M. Schmidt, Oakland, CA;
Rainer Schierle, Los Altos, CA;
Gregory S. Horner, Santa Clara, CA;
Thomas G. Miller, Sunnyvale, CA;
Zhiwei Xu, Sunnyvale, CA;
Xiaofeng Hu, Richardson, TX;
Jianou Shi, Milpitas, CA;
Sergio Edelstein, Los Gatos, CA;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/423,639 11/04/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/12/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Contactless charge measurement of product wafers and control of corona generation and deposition

Preliminary Class

324

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

DAFFER MCDANIEL, LLP
P.O. BOX 684908
AUSTIN TX 78768

In re Application of :
Samsavar, et al. : ON PETITION
Application No.: 10/701,112 :
Filed: November 4, 2003 :
Attorney Docket No.: 5589-03801 :
For: CONTACTLESS CHARGE MEASUREMENT OF PRODUCT WAFERS AND CONTROL OF CORONA GENERATION AND DEPOSITION

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed July 19, 2004 and resubmitted on June 22, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A Rule 47(a) petition was filed on April 15, 2004. The petition was dismissed on May 20, 2004 for failure to show that non-signing joint inventor Rainer Schierle either refused to join in the filing of the application or could not be reached after diligent effort. A reconsideration petition was filed on July 19, 2004. Unfortunately, the reconsideration petition was not marked as such in electronic databases. Therefore, the petition was not forwarded to the Office of Petitions for review.

Attorney Ann Marie Mewherter has provided a statement that on February 2, 2004, Inventor Schierle was mailed a copy of the application, a combined declaration and power of attorney, and an assignment, along with a request that he return executed documents. Inventor Schierle

did not return any documents. He did not answer several messages left on his telephone answering machine.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee, and
(4) the last known address of the omitted inventor(s).

This petition lacks items (1) and (2) above.

As to item (1), petitioners are requested to provide a statement on the record that the February 2, 2004 mailing was not returned to sender. The Office would like petitioners to provide a statement on the record that the mailing sent to Inventor Schierle at his last known address was not returned. If the mailing was not returned to sender, then Inventor Schierle's constructive refusal becomes more probable.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains a noninitialed, nondated alteration to Inventor Zhiwei Xu's mailing address. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

An oath or declaration in compliance with 37 CFR 1.63 and1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Fortunately, the deficiencies or inaccuracies relate to a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Zhiwei Xu can correct his information on a supplemental declaration identifying the entire inventive entity, but signed only by him.

Regarding fees, it appears that petitioners were not charged the required Rule 47 petition fee on April 15, 2004, when the initial petition was filed. Therefore, deposit account no. 50-3268 will be charged the Rule 47 petition fee due on April 15, 2004, or $130.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

DAFFER MCDANIEL, LLP
P.O. BOX 684908
AUSTIN TX 78768

In re Application of :
Samsavar, et al. : ON PETITION
Application No.: 10/701,112 :
Filed: November 4, 2003 :
Attorney Docket No.: 5589-03801 :
For: CONTACTLESS CHARGE MEASUREMENT OF PRODUCT WAFERS AND CONTROL OF CORONA GENERATION AND DEPOSITION

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed September 27, 2006.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners have shown that the non-signing inventor, Rainer Schierle, has constructively refused to join in the filing of the above-identified application. Attorney Ann Marie Mewherter has provided a statement that on February 2, 2004, Inventor Schierle was successfully mailed a copy of the application, a combined declaration and power of attorney, and an assignment, along with a request that he return executed documents. Inventor Schierle has not returned any executed documents. In addition, petitioners have submitted an acceptable declaration.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be returned to Publications Division for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

RAINER SCHIERLE
1704 ORR CT.
LOS ALTOS, CA 94024

In re Application of :
Samsavar, et al. : ON PETITION
Application No.: 10/701,112 :
Filed: November 4, 2003 :
Attorney Docket No.: 5589-03801 :
For: CONTACTLESS CHARGE MEASUREMENT OF PRODUCT WAFERS AND CONTROL OF CORONA GENERATION AND DEPOSITION

Dear Mr. Schierle:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: DAFFER MCDANIEL, LLP
P.O. BOX 684908
AUSTIN TX 78768

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 2 1 2004

OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of	:
Beasley, et al.	: DECISION GRANTING
Application No. 10/701,121	: STATUS UNDER 37 CFR
Filed: November 3, 2003	: 1.47(a)
Docket No.: 340158005US1	:
For: REDUCING MUTUAL CHANNEL	:
INTERFERENCE IN FREQUENCY-	:
HOPPING SPREAD SPECTRUM	:
WIRELESS COMMUNICATION	:
SYSTEMS, SUCH AS BLUETOOTH	:
SYSTEMS	:

This decision is in response to the petition under 37 CFR 1.47(a), filed August 4, 2004.

The petition is **GRANTED**.

Petitioner has shown that inventor Matthew Kuiken either cannot be reached despite diligent or refused to execute the declaration after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MATTHEW KUIKEN
535 NORTH OAKTREE LANE, APT. D
THOUSAND OAKS, CA 91360

COPY MAILED

SEP 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Beasley, et al. :
Application No. 10/701,121 : LETTER
Filed: November 3, 2003 :
Docket No.: 340158005US1 :
For: REDUCING MUTUAL CHANNEL :
INTERFERENCE IN FREQUENCY-HOPPING :
SPREAD SPECTRUM WIRELESS :
COMMUNICATION SYSTEMS, SUCH AS :
BLUETOOTH SYSTEMS :

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310: Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this matter should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/701,122	11/04/2003	1642	644	06132/033005	34	25	5

CONFIRMATION NO. 6602

21559
CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

UPDATED FILING RECEIPT

OC000000013308757

Date Mailed: 07/22/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Thomas J. Chambers, St. Louis, MO;
Thomas P. Monath, Harvard, MA;
Farshad Guirakhoo, Melrose, MA;
Juan Arroy, S. Weymouth, MA;

Domestic Priority data as claimed by applicant

This application is a CON of 09/452,638 12/01/1999 PAT 6,696,281
which is a CIP of 09/121,587 07/23/1998
which is a CIP of PCT/US98/03894 03/02/1998
which is a CIP of 09/007,664 01/15/1998 ABN
which is a CIP of 08/807,445 02/28/1997 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/23/2004

Projected Publication Date: 10/28/2004

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Chimeric flavivirus vaccines

Preliminary Class

424

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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BARLEY SNYDER, LLC
1000 WESTLAKES DRIVE, SUITE 275
BERWYN PA 19312

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DEC 14 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Gheorghe Hortea et al.
Application No. 10/701,134
Filed: November 4, 2003
Attorney Docket No. 21334-1280

This is a decision on the petition filed June 15, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned March 24, 2006 for failure to timely pay the issue fee on or before March 23, 2006. Accordingly, a Notice of Abandonment was mailed June 29, 2006, after the filing of the instant petition.

The issue fee, petition fee and publication fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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DEC 3 0 2009

SHAPER ILER LLP
1800 WEST LOOP SOUTH
SUITE 1450
HOUSTON TX 77027

In re Application of Frank C. Smith, Jr.	:	DECISION ON PETITION
Appl. No. 10/701,146	:	TO WITHDRAW FINALITY
Filed: November 4, 2003	:	OF OFFICE ACTION
For: CARGO ORIENTED	:	UNDER 37 CFR 1.181
PERSONAL AIRCRAFT	:	

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on January 20, 2009 to Withdraw the Finality of the Office action mailed on October 21, 2008, consider the Request for Continued Examination (RCE) filed January 20, 2009 be regarded as a response to a Non-Final Office action and the fee filed with the RCE to be refunded.

The Petition is **DISMISSED.**

On March 19, 2008, the Office mailed a Non-Final Office action rejecting all of the claims. On June 6, 2008, applicant submitted an amendment to the claims and arguments. On October 21, 2008, the Office mailed a Final Office action including an additional reference of Burnelli. On November 21, 2008, applicant filed an amendment with arguments and a request that the finality of the Office action of October 21, 2008 be removed as premature. On December 4, 2008, the Office mailed an Advisory action stating that the Amendment will not be entered and failing to address applicant's request to withdraw the finality. On January 20, 2009, applicant filed a Request for Continued Examination (RCE) and a petition under 37 CFR 1.181 to withdraw the finality of the Office action of October 21, 2008. The petition also includes a request for refund of the RCE fee and a request to treat the RCE as a response to the Office action of October 21, 2008.

The record shows that the Request for Continued Examination (RCE) filed on January 20, 2009 and a fee in the amount of $405.00 were timely submitted after the Final rejection. It was processed to withdraw the finality of the Office action of October 21, 2008 and the after final amendment filed on November 21, 2008 was entered in accordance to Rule 37 CFR 1.114 and MPEP 706.07 (h) which states that "the Office will withdraw the finality of any Office action and the submission will be entered and considered." Therefore, the petition filed under 37 CFR 1.181 to withdraw the finality of the office action of October 21, 2008 is moot based on

the submission of the RCE. The RCE fee will not be refunded as it was a required part of the RCE submission.

Any questions regarding this decision should be directed to Michael Mansen at 571-272-6608.

Katherine Matecki

Kathy Matecki, Director
Technology Center 3600
571-272-5250

mrm/lm 12/10/09

LM

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KEITH FRANTZ
401 WEST STATE STREET
SUITE 200
ROCKFORD, IL 61101

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FEB 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Paul Raymond Rust et al :
Application No. 10/701,153 :
Filed: November 3, 2003 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 2008, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 19, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 3635 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary, NC 27518

Mail Date: 04/21/2010

Applicant	: Edward R. diGirolamo	: DECISION ON REQUEST FOR
Patent Number	: 7596921	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,190	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1383** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUG 3 2004

VP
PAPER NO. ___

In re Application of :
Venkat Selvamanickam :
Serial Number: 10/701,192 : PETITION UNDER
Filed: November 4, 2003 : M.P.E.P.708.02 IX
For: TAPE-MANUFACTURING SYSTEM HAVING :
EXTENDED OPERATIONAL CAPABILITIES :

This is in response to the petition filed February 4, 2004 requesting that the above-identified application be granted Special Status under Section 708.02 IX of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IX of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

SMITH MOORE LLP
P.O. BOX 21927
GREENSBORO NC 27420

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,196	11/04/2003	Sumita Rao	UTL 00389	5054

32968 7590 08/02/2007

KYOCERA WIRELESS CORP.
P.O. BOX 928289
SAN DIEGO, CA 92192-8289

EXAMINER	
NGUYEN, PHU K	
ART UNIT	**PAPER NUMBER**
2628	
MAIL DATE	**DELIVERY MODE**
08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SPE: M. Razavi

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/20/07

Paper No.: _____

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/701,196 Patent No.: 7184061

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	All changes apply.
☒ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The changes to claims 7 and 8 are approved. The changes to claim 9 are not approved because "positioned at least one corner" should be "positioned at at least one corner" as written in claim 9 of the 9/22/2006 amendment. Also note applicants request for claim 9 on page 2 is different than claim 9 on the PTO/SB/44.

GB 7/30/07

SPE

2628
Art Unit

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SHOOK, HARDY & BACON, L.L.P.
(C/O INTERMEC)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BLVD.
KANSAS CITY MO 64108

COPY MAILED

MAR 15 2007

OFFICE OF PETITIONS

In re Application of :
Dennis A. Durbin :
Application No. 10/701,199 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 37955XF :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 10, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 11, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 2876 for appropriate action by the Examiner in the normal course of business on the reply received.

Irvin Dingle
Petitions Examiner
Office of Petitions

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THOMAS E. HILL
EMRICH & DITHMAR, LLC
125 SOUTH WACKER DRIVE, SUITE 2080
CHICAGO IL 60606E

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OCT 30 2006

OFFICE OF PETITIONS

In re Application of:
Elliott
Application No. 10/701,219
Filed: November 4, 2003
Attorney Docket No. 10/CIP(2)
For: ADJUSTABLE PIPE REPAIR CLAMP INSTALLATION TOOL

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 14, 2006 (certificate of mailing date September 12, 2006) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit a proper reply to the January 31, 2006 final Office action which set an extendable three month period for reply. Applicant filed an amendment after final on May 2, 2006 (certificate of mailing date April 27, 2006). The amendment after final failed to place the application in condition for allowance. A Notice of Abandonment was mailed on September 1, 2006.

Petitioner requests that the holding of abandonment be withdrawn because the Office did not mail an Advisory action in response to the amendment after final filed on May 2, 2006 (certificate of mailing date April 27, 2006). Petitioner requests that applicant be advised as to whether the May 2, 2006 (certificate of mailing date April 27, 2006) amendment after final was entered in this application, and that the time to file an appeal or a RCE be extended to 30 days from issuance of a response to this request.

Petitioner is reminded that after a final action, there are only five possible replies: (1) a Notice of Appeal, (2) the filing of a continuing application, (3) a 37 CFR 1.129(a) submission, if appropriate, (4) an amendment after final that makes the case ready for issuance or (4) an RCE. To be a proper reply, an amendment after final must eliminate all of the Examiner's objections and rejections, and thus place the case in *prima facie* condition for allowance.

Petitioner's Amendment After Final failed to eliminate all of the Examiner's objections and rejections. The rules of practice are clear that prosecution of an application to save it from abandonment must include such complete and proper action as the condition of the case may require. The admission of an amendment not responsive to the last Office action, or refusal to admit the same, shall not operate to save the application from abandonment. "[T]he admission of, or refusal to admit, any amendment after final rejection, and any proceedings relative thereto, shall not operate to relieve the application or patent under reexamination from its condition as subject to appeal or to save the application from abandonment under § 1.135." See 37 CFR 1.116(a).

Petitioner's failure to appreciate that the filing of a proposed amendment under 37 CFR 1.116 on May 2, 2006 (certificate of mailing date April 27, 2006) did not relieve petitioner of the burden of timely filing a notice of appeal or other proper response to avoid abandonment of the above-identified application is unfortunate, but it is not unavoidable delay. The abandonment of an application subject to a final Office action is not "unavoidable" within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a) in the situation in which the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. At 53162, 1203 Off. Gaz. Pat. Office at 89 (response to comment 66).

The fact that the Office did not mail an Advisory action does not change the fact that the application became abandoned because petitioner failed to submit a proper reply to the final Office action. The petition is dismissed.

Petitioner may wish to contact the examiner of record for information regarding whether or not the May 2, 2006 (certificate of mailing date April 27, 2006) will be entered for purposes of appeal.

Petitioner should consider filing a petition to revive under the unintentional delay standard of 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail:
Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMAS E. HILL
EMRICH & DITHMAR, LLC
125 SOUTH WACKER DRIVE, SUITE 2080
CHICAGO IL 60606E

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Application of:
Elliott
Application No. 10/701,219
Filed: November 4, 2003
Attorney Docket No. 10/CIP(2)
For: ADJUSTABLE PIPE REPAIR CLAMP INSTALLATION TOOL

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 2007 (certificate of mailing date February 13, 2007) to revive the above-identified application.

As a preliminary matter, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The above-identified application became abandoned for failure to submit a proper reply to the January 31, 2006 final Office action which set an extendable three month period for reply. Applicant filed an amendment after final on May 2, 2006 (certificate of mailing date April 27, 2006). The amendment after final failed to place the application in condition for allowance. A Notice of Abandonment was mailed on September 1, 2006.

Applicant has submitted a RCE, amendment, and required fee in reply to the January 31, 2006 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the January 31, 2006 final Office action, and the petition fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 3679 for consideration of the RCE and amendment filed on February 16, 2007 (certificate of mailing date February 13, 2007).

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: THOMAS E. HILL
225 WEST WACKER DRIVE
CHICAGO, IL 60606

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STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

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AUG 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Harland et al. :
Application No. 10/701,229 : DECISION ACCORDING STATUS
Filed: November 4, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. QA0262(NP) :
FOR: FORMULATIONS OF LOW SOLUBILITY:
BIOACTIVE AGENTS AND PROCESSES FOR :
MAKING THE SAME :

This is in response to the petition under 37 CFR 1.47(a), filed May 28, 2004. Petitioner obtained a one-month extension of time to reply. Accordingly, the petition is timely filed.

The petition is granted.

Petitioner has shown that, Ronald Harland, the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Deanna Baxam and the letter sent to Dr. Harland accompanying the petition establish that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to Technology Center Art Unit 1614 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ronald Harland
1 Harlow Court
Yardley, PA 19067

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AUG 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Harland et al. :
Application No. 10/701,229 :
Filed: November 4, 2003 : LETTER
Attorney Docket No. QA0262(NP) :
FOR: FORMULATIONS OF LOW SOLUBILITY:
BIOACTIVE AGENTS AND PROCESSES FOR :
MAKING THE SAME :

Dear Dr. Harland:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor. As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

SEP 1 9 2006

In re Application of	:	
Joseph W. Coburn, Jr	:	AP
Serial No:10/701230	:	PETITION UNDER
Filed: November 4, 2003	:	M.P.E.P. 708.02, IV
For: SPACED APART FRESNEL LENS DECORATIVE MATERIAL AND PROCESS OF MANUFACTURING THE MATERIAL	:	

This is in response to the petition filed November 4, 2003, requesting that the above-identified application be granted Special Status under Section 708.02, IV of the MPEP and 37 CFR 1.102(c).

The petition lacks evidence showing that the applicant is 65 years of age or more, such as a birth certificate, copy of driver's license or **applicant's** statement of age. Accordingly, the petition is denied.

The petition is **DENIED**

William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

10/701230

11-4-03

Bashore 1762

PETITION FOR ADVANCEMENT OF EXAMINATION UNDER 37 C.F.R. 1.102(c)

1. The Commissioner for Patents is respectfully petitioned to advance the examination of the patent application entitled SPACED-APART FRESNEL LENS DECORATIVE MATERIAL AND PROCESS OF MANUFACTURING THE MATERIAL of which Mr. Joseph W. Coburn, Jr. is the sole inventor.

2. Mr. Coburn is over 78 years old as evidenced by his DOB (Date of Birth) of May 31, 1925 on the attached copy of his New Jersey Driver's License.

Respectfully submitted,

R. Gale Rhodes, Jr.
Of Counsel to
MOSER, PATTERSON & SHERIDAN, LLP

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700

OCT 2 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
FINE, et al. :
Application No. 10/701,244 :
Filed: November 4, 2003 :
Attorney Docket No. CV01679 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 26, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 15, 2008 *cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.*[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the information disclosure statement filed August 7, 2008.

Monica A. Graves
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

MAILED

JUN 0 8 2009

OFFICE OF PETITIONS

In re Application :
Fine, et al. :
Application No. 10/701,244 : PATENT TERM ADJUSTMENT
Filed: November 4, 2003 :
Dkt. No.: CV01679 :

This decision is in response to the "Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705(b)," filed January 23, 2009.

The Determination of Patent Term Adjustment under 35 USC 154(b) was mailed November 10, 2008. The instant application was timely filed January 23, 2009 prior to payment of the issue fee. Applicants contest the adjustment insofar as it relates to the Office's failure to issue the patent within three years of the filing date of the application pursuant to 37 CFR 1.703(b) in view of Wyeth v. Dudas, No. 07-1492 (D.D.C. September 30, 2008). Applicants request that the adjustment be increased from 828 days to 1,262 days.

To the extent that this application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, a decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is ordinarily required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, 37 CFR 1.703(b). It is noted that at the time of this decision, the patent has not issued.

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within 3 years. A copy of this decision should accompany the

request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of § 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

With respect to the over 3 year calculation, rather than file the request for reconsideration of Patent Term Adjustment at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term pursuant to 37 CFR 1.705(d). The USPTO notes that it does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent and accordingly, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office hereby acknowledges receipt of the required $200.00 application fee set forth at 37 CFR 1.18(e).

The application file is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

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OFFICE OF PETITIONS

In re Application of	:	
Peiguang Zhou et al	:	
Application No. 10/701,259	:	DECISION ON PETITION
Filed: November 4, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. KCC-19,694	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 27, 2006 and the corrected petition, filed on April 14, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/187,761, filed on March 27, 2006.[1]

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

[1] The documents filed on March 27, 2006 were incorrectly captioned for and were located in Application No. 10/710,259. The papers placed in Application No. 10/710,259 are being made of record in this file.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1712 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/701,259	11/04/2003	1712	1076	KCC-19,694	5	37	3

CONFIRMATION NO. 6079

CORRECTED FILING RECEIPT

OC000000021135665

Melanie I. Rauch
Pauley Petersen & Erickson
Suite 365
2800 West Higgins Road
Hoffman Estates, IL 60195

Date Mailed: 11/07/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Peiguang Zhou, Appleton, WI;
Gregory K. Hall, Menasha, WI;

Power of Attorney:

Thomas Speckman--22617
William Herrick--25468
Gregory Croft--27542
Thomas Connelly--28404
Joseph Harps--28854
Paul Yee--29460
Douglas Miller--30406
Thomas Mielke--31399
Nicholas Leach--31776
Patrick Wilson--31893

Domestic Priority data as claimed by applicant

This application is a CIP of 10/187,761 07/02/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/03/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/701,259

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

High-viscosity elastomeric adhesive composition

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The

date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SUITE 365
HOFFMAN ESTATES, IL 60195

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OFFICE OF PETITIONS

In re Application of :
Peiguang Zhou et al :
Application No. 10/701,259 : DECISION ON PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. KCC-19,694 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 27, 2006 and the corrected petition, filed on April 14, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/187,761, filed on March 27, 2006.[1]

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

[1] The documents filed on March 27, 2006 were incorrectly captioned for and were located in Application No. 10/710,259. The papers placed in Application No. 10/710,259 are being made of record in this file.

OIPE JC17
MAR 28 2005
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Nadal

Maria Nadal

PATENT

Applicant: Matthew J. Birdsall et al.
Serial No.: 10/701,262
Filed: 11/03/2003
Title: METALLIC COMPOSITE COATING FOR DELIVERY OF THERAPEUTIC AGENTS FROM THE SURFACE OF IMPLANTABLE DEVICES
Art Unit: 1742
Atty Docket No.: 51298-00001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CRF 1.17(H)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to make this application special because a small entity status has been established, and the subject of the patent application is related to biotechnology and is a major asset of the small entity. The development of the technology will be significantly impaired if examination of the patent application is delayed.

The accompanying ☐ affidavit ☒ declaration by the

☐ applicant
☒ applicant's practitioner

explains establishment of small entity and the development of the technology will be significantly impaired if examination of the patent application is delayed.

The Commissioner is authorized to charge $130 or any fee which may be required in connection with this Petition to deposit account No. 50-3207.

03/29/2005 HALI11 00000024 503207 10701262
01 FC:1464 130.00 DA

Dated 3/24/05

Respectfully submitted,

Louis C. Cullman, Reg. No. 39,645
Customer No. 48,423

PRESTON GATES & ELLIS LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902

K:\51298\00001\00001US\PETITION TO MAKE SPECIAL.DOC

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 APR - 4 2005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/9/06

TO SPE OF : ART UNIT 3681

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/701269 Patent No.: 6939268 B2

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

_____
Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☑ **Denied** — State the reasons for denial below.

Comments: Application was issued based on claims as originally filed. Any mistake affecting claim scope must be corrected by reissue and not certificate of correction. See MPEP 1481 [R-3].

C Mann
SPE

3681
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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GUY V. MANNING
405 PARK PLAZA BUILDING
2501 PARKVIEW DRIVE
FORT WORTH, TX 76102

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OFFICE OF PETITIONS

In re Application of	:	
Robert E. Houchin	:	
Application No. 10/701,284	:	DECISION ON PETITION
Filed: November 4, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 0537M-001	:	37 CFR 1.102(d)
	:	

This is a decision on the petition under 37 CFR §1.102(d), filed June 3, 2005, to make the above-identified application special based on actual infringement as set forth in M.P.E.P. § 708.02, Section II.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR §1.102(d) and MPEP §708.02, Section II: Infringement, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the office alleging:

> (A) That there is an infringing device or product actually on the market or method in use;
>
> (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
>
> (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.
>
> Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition complies with all the above stated requirements. Accordingly, the above-identified application has been accorded "special" status

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technolo[redacted] Art Unit 3714 for action on the merits commensurate with this decision.

Amelia Au
Petitions Examiner
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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LAW OFFICES OF
JAMES E. WALTON, P.L.L.C.
1169 N. BURLESON BLVD., STE. 107
BURLESON, TX 76028

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MAR 22 2006

OFFICE OF PETITIONS

In re Application of:	:	
Robert E. Houchin	:	
Application No. 10/701,284	:	DECISION GRANTING
Filed: November 4, 2003	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.183
METHOD AND APPARATUS FOR	:	
CONDUCTING A SWEEPSTAKES	:	

This is a Decision in response to the Petition Under 37 CFR 1.183 to Correct Inventorship, filed May 9, 2005. The delay in treating this petition is regretted.

The petitions are **dismissed**.

Background

Petitioner requests correction of the inventorship to add Michael J. Dietz, Earl D. Morris, Mark Olmstead, and Johnney R. Weaver as inventors in the above-identified application. The above-named individuals have also executed a Declaration appointing petitioner as their attorney of record.

A review of the application file and of the petition reveals that petitioner herein was appointed as the attorney of record by the sole inventor of the application upon filing of the application. Thereafter, and prior to the filing of the instant petition, the sole inventor filed a Substitute Power of Attorney at Law on January 11, 2005, revoking the power of Petitioner to act in this application and appointing a new attorney.

In view of the Revocation of Power of Attorney, Petitioner has not shown, nor is it apparent, that he has any standing herein to act in this application.

Robert Houchin ("Houchin"), as the current sole inventor, has an undivided 100% property right in this application. Houchin will be presumsed to be the owner of the entire interest, as there is no evidence, supplied by Petitioner that Houchin has transferred or further conveyed his interest, on whole or in part, to another party. See 37 CFR 3.73(a). Houchin, as the only named inventor, has a property right in this application that can be canceled, revoked or annulled only by proceedings that afford due process of law. Iowa State University Research Foundation v. Sperry Rand Corp. 444 F.2d 406, 410, 170 USPQ 374, 377 (4th Cic. 1971). An ex parte proceeding in the USPTO is not the appropriate forum for the possible extinction of a property right in an application. See Baker Hughes, Inc. v. Kirk, 921 F.Supp. 801 (D.D.C. 1995. Rather, it is well settled that the Office is not the appropriate forum for resolving a dispute concerning the ownership of an application and, as such, the USPTO will not permit itself to become embroiled in ownership disputes. See, Ex Parte Harrison, 1925 Dec. Comm'r. Pat. 122, 123 (Comm'r Pat. 1924); In Re Moller, 1904 Dec. Comm'r Pat. 70, 71 (Comm'r Pat. 1904); Ex Parte McTammany, 1900, 168, 181 (Comm'r Pat. 1900; Ex Parte McFarlane, 1896 Dec, Comm'r Pat. 37, 38 (Comm'r Pat. 1896); Ex Parte Gallatin, 1892 Dec. Comm'r Pat. 106 (Comm'r Pat. 1892). Petitioner will not be permitted to unilaterally, and in an ex parte manner, diminish Houchin's property right herein.

Indeed, Petitioner has not shown, nor is it apparent, that he has any standing herein. The Court of Appeals for the Federal Circuit has refused to accord standing to third parties challenging Office actions (outside of an interference) during the prosecution of an application for patent. See, Animal Legal Defense Fund v. Quigg, 932 F.2d 920, 920, 18 USPQ2d 1677, 1685 ("We find nothing in the law which gives rise to a right in nonapplicants to object in the way in which patent applications of others are prosecuted. A third party has no right to intervene in the prosecusion of a particular patent application to prevent the issuance of an allegedly invalid patent.").

The Office has promulgated regulations permitting third parties to file protests and petitions for public use proceedings in applications that have not been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 *et seq.* (37 CFR 1.291 and 1.292), and to file prior art submissions in applications that have been published under 35 U.S.C. § 122(b) and 37 CFR 1.211 *et seq.* (37

CFR 1.99). Petitioner is also free to file an application and proceed under 37 CFR 1.47(a); 35 U.S.C. § 135 and the MPEP chapter 2300.

Lastly, Petitioner is placed on notice that the Office considers the filing of a petition or other paper on behalf of a party having no standing in an application, and not otherwise authorized by the rules of practice, to be a petition or paper for an unauthorized purpose (37 CFR 10.18). For example, the filing of a paper on behalf of a party in situations not authorized by the rules of practice delays the examination and processing of applications, which may cause harm to the general public if it results in the Office missing any one of the examination timeframes specified in 35 U.S.C. §§ 154(b)(1)(A) or 154(b)(1)(B). Therefore, this Office may refer any further third party petitions by the Law Offices of James E. Walton, P.L.L.C. in this application to the Office of Enrollment and Discipline for appropriate action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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DEC 1 2 2006

OFFICE OF PETITIONS

In re Application of :
ALLERSON, et al. :
Application No. 10/701,285 : DECISION ON PETITION
Filed: November 4, 2003 : TO WITHDRAW
Attorney Docket No. ISIS-5240 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to John A. Harrelson, Jr. of WOODCOCK WASHBURN LLP has been revoked by the assignee of the patent application on October 19, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/ISIS**
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,285	11/04/2003	Charles Allerson	ISIS-5240

CONFIRMATION NO. 5237

OC000000021564319

32650
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

Date Mailed: 12/11/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

MONICA A GRAVES
OP (571) 272-7253

FORMER ATTORNEY/AGENT COPY

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,285	11/04/2003	Charles Allerson	ISIS-5240

CONFIRMATION NO. 5237

OC000000021564323

65577
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/ISIS
P.O. BOX 2938
MINNEAPOLIS, MN 55402

Date Mailed: 12/11/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/19/2006.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

MONICA A GRAVES
OP (571) 272-7253

ATTORNEY/APPLICANT COPY

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OSTROLENK, FABER, GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

OCT 25 2005

In re Application of: Nakazato, Yoshio
Kanagawa, Japan
Application No. 10/701,287
Filed: 11/04/03
Attorney Docket No. **P/1878-184)**

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR ə 1.313

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed June 6, 2005, are hereby vacated.

The application is being withdrawn from issue to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

The issue fee is refundable upon request. However, the applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, the applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Don Wong, Supervisory Patent Examiner, at (571) 272-1834.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

James Dwyer, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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TECHNOLOGY CENTER 2800

FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of:
Gary Allen
Serial No.: 10/701,292
Filed: November 3, 2003
Attorney Docket No.: 10559-909001

DECISION ON PETITIONS

This is a decision on the both the petition to reset time period on July 27, 2006 and the petition to withdraw the holding of abandonment filed, via facsimile transmission, on October 23, 2006.

The petitions are **GRANTED**.

The petition to reset the time period filed on July 27, 2006 requested that the time period for payment of the issue fee and publication fee be restarted to run from the July 17, 2006 date of receipt of the Notice of Allowance and Fee(s) Due (hereinafter the Notice of Allowance) at Fish & Richardson P.C. As noted in the petition, the Notice of Allowance that was mailed on March 24, 2006 was received back at the USPTO Mail Center from the U.S. Postal Service on April 3, 2006. Afterwards, although there is no record of remailing in the application file or in PALM (Patent Application Locating and Monitoring System), the Notice of Allowance was apparently remailed and received at Fish & Richardson P.C. on July 17, 2006.

Since the original Notice of Allowance dated March 24, 2006 was clearly returned to the USPTO and there is no date of remailing on record, fairness dictates the period to respond to the Notice of Allowance (i.e., to pay the issue fee and publication fee) be reset to the date the Notice of Allowance was received at the correspondence address (i.e., Fish & Richardson P.C.). As evidenced in the petition, the Notice of Allowance was received at Fish & Richardson P.C. on July 17, 2006. Accordingly, the petition to reset the time period is granted and the issue fee and publication fee was required to have been paid by October 17, 2006 to have been considered timely.

A review of the application file indicates that the issue fee and publication fee was paid on September 12, 2006. However, since there was no decision on the period to reset the time period at that time, a Notice of Abandonment was mailed on September 25, 2006 indicating that the issue fee and publication fee was received on September 12, 2006 but that the payment was not timely. In response to the Notice of Abandonment, applicant filed the aforementioned petition to withdraw the holding of abandonment on October 23, 2006.

Since this decision resets the time period to respond to the Notice of Allowance to run from three months from the date it was received at Fish & Richardson P.C. on July 17, 2006, it follows that

the payment of the issue fee and publication fee on September 12, 2006 was timely and that there was no abandonment of the application. Accordingly, the petition to withdraw the holding of abandonment is granted and the Notice of Abandonment mailed on September 25, 2006 is hereby vacated.

In accordance with this decision, the application is being returned to the purview of the publication branch for processing of the application to a patent.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, NY 10281-2101

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AUG 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Edward Nowak et al. :
Application No. 10/701,293 : DECISION ON PETITION
Filed: November 3, 2003 : TO WITHDRAW
Attorney Docket No. 061170-0194 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morgan & Finnegan, L.L.P. has been revoked by the assignee of the patent application on June 4, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **McDermott Will & Emery LLP**
18191 Von Karman Ave., Suite 500
Irvine, CA 96212-7107

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Anthony Mai	: DECISION ON REQUEST FOR
Patent Number	: 7596633	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,298	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1142** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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OFFICE OF PETITIONS

In re Application of :
Jung :
Application No. 10/701,306 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. CU-3424 WWP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2009, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned April 9, 2008 for failure to reply in a timely manner to the non-final Office action, mailed January 8, 2008. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed September 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3205.

This application is being referred to Technology Center AU 2816 for further processing.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE, SUITE 1600
CHICAGO, IL 60604

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OFFICE OF PETITIONS

In re Application of :
Hea Suk JUNG :
Application No. 10/701,306 : DECISION ON PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **CU-3424 WWP** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 27, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 28, 2010.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2816 for appropriate action by the Examiner in the normal course of business on the reply received April 30, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Paper No. None

MARK CLODFELTER
555 SPARKMAN DRIVE
SUITE 1602D
HUNTSVILLE AL 35816

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JAN 30 2007

OFFICE OF PETITIONS

In re Application of :
Ronald L. Barnes :
Application No. 10/701,310 : DECISION ON PETITION
Filed: November 4, 2003 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket No.: :
BARNESCIP11 :
Title: COMBINED CHLORINE AND :
OZONE GENERATOR STERILIZATION :
SYSTEM :

This is a decision on the petition filed August 18, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed March 22, 2006, which set a shortened statutory period for reply of three months. Formal drawings were received on May 2, 2006. No extensions of time are

1 A grantable petition pursuant to 37 C.F.R. §1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned on June 23, 2006. A Notice of Abandonment was mailed on July 26, 2006.

The present petition pursuant to 37 C.F.R. §1.137(b) was received on August 18, 2006, along with the petition fee, the issue fee, and the proper statement of unintentional delay. No terminal disclaimer is required.

As such, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[3]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 See MPEP §710.02(e).
3 Petitioner's representative will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.

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LAW OFFICES OF JAMES E. EAKIN
P.O. Box 1250
Menlo Park CA 94025

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OFFICE OF PETITIONS

In re Application of :
Krish Mani :
Application No. 10/701,319 :
Filed: November 4, 2003 :
Attorney Docket No. 1002-CMI :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2006, to revive the above-identified application.

The above-identified application became abandoned for failure to file a timely response to the nonfinal Office Action, mailed January 12, 2005, which set a three-month shortened statutory period for reply. The above-identified application became abandoned on April 13, 2005. On August 24, 2005, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

Petitioner submitted a terminal disclaimer and fee with the present petition. However, no terminal disclaimer is required because this utility application was filed after June 8, 1995. Therefore, the $65.00 terminal disclaimer fee will be refunded to Deposit Account No. 50-3576.

This matter is being referred to Technology Center Art Unit 2824.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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SUITE 1600
CHICAGO IL 60604

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OFFICE OF PETITIONS

In re Application of :
Cheol Ho Joh, et. al. :
Application No. 10/701,326 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. CU-3430 RJS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Non-Final Office Action mailed, December 23, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on March 24, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "under this section a petition accompanied by either a fee of $500 or a fee of $50 **would not be granted where the abandonment** or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay (over 2 years) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 24, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Ladas & Parry LLP was counsel of record at the time of abandonment, they should explain why this application became abandoned while it was under their control and what efforts they made to further reply and with whom this matter was discussed. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), and whoever else was involved with this application at the time of abandonment. Statements are required from any and all person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As to Period (2):

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). *See* MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (over 2 years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all persons then at Ladas & Parry LLP and the responsible person(s) having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

In re Application of :
Cheol Ho Joh et al :
Application No. 10/701,326 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. CU-3430 WWP :

This is a decision on the renewed petition, filed June 11, 2009 under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b)**." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The Renewed Petition Under 37 CFR 1.137(b) submitted June 11, 2009 states "Included herewith are copies of letters sent by the Patent Prosecution Manager of Yuil International Patent and Law Firm (hereinafter Yuil) who currently represent the Applicant in the Republic of Korea." "In the letter of October 16, 2008 (enclosed), Yuil has instructed to proceed with revival of the unintentionally abandoned application." The Office record does not show receipt of copies of these letters.

Please note, in view of the inordinate delay (2 years or more from the March 24, 2006 date of abandonment) in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether some of the delay was

unintentional by any party; rather, the issue is whether the entire delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) for period (1) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on March 24, 2006. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www. uspto. gov

LADAS & PERRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO, IL 60604

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MAR 15 2010

OFFICE OF PETITIONS

In re Application of :
Cheol Ho Joh et al :
Application No. 10/701,326 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. CU-3430 WWP :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 2, 2010, to revive the above-identified application.

The petition is **GRANTED.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1730 extension of time submitted on June 11, 2009 and the $1730 extension of time submitted on February 2, 2010 were subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credit to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2811 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL, MN 55133-3427

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JAN 0 9 2008

OFFICE OF PETITIONS

In re Application of :
Raghunath Padiyath et al :
Application No. 10/701,329 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 59346US002 :

This is a decision on the petition filed January 4, 2008 under 37 CFR 1.313(a), to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of $130 has been charged to petitioner's deposit account.

The petitioner states "The reason for withdrawal from issue of this application is for consideration of a correction in inventorship under 37 CFR§ 1.48(a) which will be promptly submitted upon obtaining the requisite signatures." However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary.

The above-identified application is now abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed October 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 6, 2008.

For the above reason, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

Any inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petition Examiner
Office of Petitions

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PO BOX 33427
ST. PAUL, MN 55133-3427

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OFFICE OF PETITIONS

In re Application of :
Raghunath Padiyath, et al. :
Application No. 10/701,329 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 59346US002 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed January 25, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before January 7, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed October 5, 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 8, 2008.

Petitioner request that the application be revived for consideration of a Request for Continued Examination (RCE) under 37 CFR 1.114. However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the issue fees payment of $1740 is being charged to counsel's deposit account as authorized.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on January 25, 2008, be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2818 for further processing of the request for continued examination under 37 CFR 1.114 filed January 25, 2008.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606

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OFFICE OF PETITIONS

In re Application of :
Ahlmen, et al. :
Application No. 10/701,333 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. P03,0398 :

This is a decision on the "PETITION UNDER 37 C.F.R. §1.135(b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION", filed August 20, 2007, which is being treated as a petition to revive under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed September 29, 2005. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on December 30, 2005. A Notice of Abandonment was mailed on May 17, 2006.

Petitioner contends that he did authorization to charge any additional fees to a deposit account.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The matter is being forwarded to Group Art Unit 3743 for consideration of the Amendment filed August 20, 2007.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Director's Office
Group 3700

John-Paul F. Cherry
3203 Oak Bough Ln.
Missouri City, TX 77459-4655

In re application of
John-Paul F. Cherry

Serial Number: 10/701336
Filed: November 04, 2003

NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR. 1.313

For: **MICROWAVE OVEN CLEANER**

The above-identified application is withdrawn from issue after payment of the issue fee to permit reopening of prosecution, due to newly discovered prior art.

The above-identified applicant is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the applicant.

Telephone inquiries should be directed to Robin Evans at 571-272-4777.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Richard A. Bertsch, Director
Technology Center 3700
(571) 272-3750

rt/ 4/4/05

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

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MAR 31 2008

OFFICE OF PETITIONS

In re Application of :
JABLONSKI, Edward et al. :
Application No. 10/701,347 :
Filed: November 03, 2003 :
Attorney Docket No. **45283.00002.UTL** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 19, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael Reed on behalf of all attorneys of record who are associated with customer No. 36183. All attorneys/agents associated with the Customer Number 36183 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed March 17, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Petitions Examiner
Office of Petitions

cc: **EDWARD JABLONSKI**
20748 ELFIN FOREST ROAD
ESCONDIDO, CA 92029

cc: **DUANE MORRIS LLP**
ATTN: DOUGLAS E. OLSON
101 WEST BROADWAY, SUITE 900
SAN DIEGO, CA 92101

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John W. Hayes
Dykema Gossett Rooks Pitts PLLC
10 South Wacker Drive
Suite 2300
Chicago, IL 60606

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In re Application of	:	
Hans Klingemann	:	
Application No. 10/701,359	:	DECISION ON PETITION
Filed: November 4, 2003	:	TO WITHDRAW
Attorney Docket No. 09800410-0013	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 7, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to the attorney(s) and/or agent(s) associated with Customer Number 38,939 have been revoked by the applicant of the patent application on September 7, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Cohen & Grigsby, P.C.**
Stanwix Street
15th Floor

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/21/2010

Applicant	: Charles Simonyi	: DECISION ON REQUEST FOR
Patent Number	: 7607099	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,369	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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United States Patent and Trademark Office
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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/29/2010

Applicant	: Charles Simonyi	: DECISION ON REQUEST FOR
Patent Number	: 7607099	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/701,369	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET
SUITE 4000
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
David Dillon	:	
Application No. 10/701,377	:	DECISION ON PETITION
Filed: November 3, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16698.11.1	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed August 14, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

> The materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...[Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

Petitioner's submission fails to meet the criteria set with respect to countering terrorism in MPEP § 708.02(XI). The specification and claims as originally filed indicate the invention relates to authentication and tracking systems for products. The claimed invention does not materially contribute to countering terrorism. Further steps would be required to actually offset or nullify terrorism. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3627 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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APR 26 2007

OFFICE OF PETITIONS

In re Application of :
David Dillon :
Application No. 10/701,377 : DECISION ON PETITION
Filed: November 3, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 58649US : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2)(iii), filed December 20, 2006, to make the above-identified application special based on the invention materially contributing to countering terrorism as set forth in M.P.E.P. § 708.02, Section XI.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(iii) and MPEP § 708.02, Section XI: Inventions for Countering Terrorism, should state that special status is sought because the invention materially contributes to countering terrorism. International terrorism as defined in 18 U.S.C. 2331 includes:

> activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping...

If the disclosure it not clear on its face that the claimed invention is materially directed to countering terrorism, the petition must be accompanied by a statement by the applicant, assignee or a registered attorney/agent explaining how the materiality standard is met. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. No fee is required.

The USPTO's final rule amending 37 CFR 1.102(c)(2) states:

> The materially standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could counter terrorism. Nor does such standard permit an applicant to enjoy the benefit of advance examination merely because some minor aspect of the claimed invention may be directed to countering terrorism...[Response to Comment 65] applicants should not expect to have their petitions granted without a clear demonstration that the claimed invention is materially related to countering terrorism. 69 Fed. Reg. 56511 (Sept. 21, 2004)

The materials and reference submitted with the instant petition as evidence that the claimed invention counters terrorism fails to meet the criteria with respect to M.P.E.P. § 708.02(XI). As stated above, the types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. Identifying and detecting do not equate to "countering". Identifying and detecting items of interest in itself does not materially contribute to countering terrorism. Further steps would be required to actually offset or nullify terrorism. As a result, no advancement in the technology of countering terrorism has been persuasively shown. The contribution of petitioner's invention does not rise to the level intended by the Rule.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3627 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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SALT LAKE CITY, UT 84110

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DEC 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Donald L. Yates :
Application No. 10/701,383 : DECISION GRANTING PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269-3375.10US :
(95-0999.09/US)

This is a decision on the petition, filed November 29, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 26, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1746 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Donald L. Yates	:	
Application No. 10/701,383	:	DECISION GRANTING PETITION
Filed: November 4, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269-3375.10US	:	

This is a decision on the petition, filed March 9, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 16, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1746 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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AUG 15 2006

OFFICE OF PETITIONS

In re Application of :
Donald L. Yates :
Application No. 10/701,383 : DECISION GRANTING PETITION
Filed: November 4, 2003 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2269-3375.10US :
(95-09999.09/US)

This is a decision on the petition, filed August 7, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 20, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1746 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-18-07

TO SPE OF : ART UNIT 1746

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/701383 Patent No.: 7204889

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Should COC be Approved

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☐ Approved — All changes apply.
- ☒ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments: See Attached Sheet

MICHAEL BARR
SUPERVISORY PATENT EXAMINER

SPE

1792
Art Unit

COCX

The request for Certificate of Correction is approved in part. The corrections of the drawings have been approved. The cancellation of claim 13 and the corresponding change of the number of the claims on the title page have been disapproved.

Cancellation of the claim changes the scope of the claims and would require reexamination of the claims.

It is noted that the presence of claim 13 is not due to the Office mistake.
The applicants have never properly cancelled claim 13. It is noted that the applicants attempted to cancel the referenced claim by Rule 312 amendment filed on 6/20/06, however the referenced amendment was disapproved because it was unsigned (Response to Rule 312 Communication mailed 07/25/06). The applicants have not filed a proper amendment to cancel claim 13 with the later filed communications.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON, MA 02111

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AUG 27 2008

OFFICE OF PETITIONS

In re Application of :
Michael P. Bevilacqua, et. al. :
Application No. 10/701,391 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 33743-503 CIP DIV 2 :

This is a decision on the petition under 37 CFR 1.137(b), filed on March 5, 2008, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the $405 filing fee and an amendment; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 1631, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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OCT 09 2009

OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of :
GLIMCHER et al. :
Application No. 10/701,401 : ON APPLICATION FOR
Filed: November 3, 2003 : PATENT TERM ADJUSTMENT
Atty. Docket No. HUI-045CPRCE :

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.705(b), filed July 10, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is seven hundred forty-six (746) days, not two hundred seventeen (217) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a

determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months

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[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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APR 22 2010

OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Patent No. 7,615,380	:	DECISION ON REQUEST FOR
GLIMCHER et al.	:	RECONSIDERATION OF
Issue Date: November 10, 2009	:	PATENT TERM ADJUSTMENT
Application No. 10/701,401	:	AND
Filed: November 3, 2003	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. HUI-045CPRCE	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 8, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred forty-six (746) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seven hundred forty-six (746) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seven hundred forty-six (746) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,615,380 B2

DATED : Nov. 10, 2009 **DRAFT**

INVENTOR(S) : GLIMCHER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 254 days

Delete the phrase "by 254 days" and insert – by 746 days--

Day : Wednesday

PALM INTRANET

Date: 4/21/2010
Time: 15:12:18

PTA Calculations for Application: 10/701401			
Application Filing Date:	11/03/2003	PTO Delay (PTO):	530
Issue Date of Patent:	11/10/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	276
Post-Issue Petitions:	0	Total PTA (days):	746
PTO Delay Adjustment:	492		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
97	04/21/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	492		
92.5	10/21/2009	PTA 36 MONTHS	37		
92	11/10/2009	PATENT ISSUE DATE USED IN PTA CALCULATION			
91	10/16/2009	EXPORT TO FINAL DATA CAPTURE			
90	10/15/2009	DISPATCH TO FDC			
89	10/09/2009	MAIL-PETITION DECISION - DISMISSED			
88	10/09/2009	PETITION DECISION - DISMISSED			
87	07/15/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
86	07/10/2009	ISSUE FEE PAYMENT VERIFIED			
85	07/10/2009	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
84	07/10/2009	PETITION ENTERED			
83	07/10/2009	ISSUE FEE PAYMENT RECEIVED			
82	06/05/2009	FINISHED INITIAL DATA CAPTURE			
81	05/01/2009	SEQUENCE FORWARDED TO PUBS ON TAPE			
80	04/13/2009	EXPORT TO INITIAL DATA CAPTURE			
77	04/10/2009	MAIL NOTICE OF ALLOWANCE			
76	03/16/2009	ISSUE REVISION COMPLETED			
75	03/16/2009	DOCUMENT VERIFICATION			
74	03/16/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
73	03/16/2009	CASE DOCKETED TO EXAMINER IN GAU			
72	03/16/2009	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
71	03/09/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			

70	03/16/2009	EXAMINER'S AMENDMENT COMMUNICATION			
69	03/16/2009	NOTICE OF ALLOWABILITY			
68	02/26/2009	DATE FORWARDED TO EXAMINER			
67	02/17/2009	AMENDMENT AFTER FINAL REJECTION			
66	02/13/2009	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
65	02/11/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
64	12/16/2008	MAIL FINAL REJECTION (PTOL - 326)			
63	12/16/2008	FINAL REJECTION			
62	10/24/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
61	10/24/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	59
60	11/14/2008	DATE FORWARDED TO EXAMINER			
59	10/24/2008	RESPONSE AFTER NON-FINAL ACTION			
58	10/24/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
57	07/24/2008	MAIL NOTICE OF WITHDRAWN ACTION			
56	07/24/2008	MAIL NON-FINAL REJECTION			
55	07/08/2008	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
54	07/21/2008	NON-FINAL REJECTION			
53	07/21/2008	DATE FORWARDED TO EXAMINER			
52	07/21/2008	LETTER WITHDRAWING / VACATING OFFICE ACTION			
51	06/24/2008	MAIL NON-FINAL REJECTION			
50	06/20/2008	NON-FINAL REJECTION			
49	04/25/2008	DATE FORWARDED TO EXAMINER			
48	04/16/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
47	04/25/2008	DATE FORWARDED TO EXAMINER			
46	04/16/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)		91	42
45	04/25/2008	DISPOSAL FOR A RCE / CPA / R129			
44	04/16/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	04/16/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	10/16/2007	MAIL FINAL REJECTION (PTOL - 326)			
41	10/13/2007	FINAL REJECTION			

40	09/05/2007	CORRESPONDENCE ADDRESS CHANGE			
39	07/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38	07/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	07/23/2007	NEW OR ADDITIONAL DRAWING FILED			
36	07/31/2007	DATE FORWARDED TO EXAMINER			
35	07/23/2007	RESPONSE AFTER NON-FINAL ACTION		91	32
34	07/23/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
33	07/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
32	01/23/2007	MAIL NON-FINAL REJECTION			
31	01/19/2007	NON-FINAL REJECTION			
30	01/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	11/27/2006	DATE FORWARDED TO EXAMINER			
28	11/13/2006	RESPONSE TO ELECTION / RESTRICTION FILED		94	26
27	11/13/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	05/11/2006	MAIL RESTRICTION REQUIREMENT	493		-1
25	05/10/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
24	04/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
23	06/28/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	04/23/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	04/23/2005	CASE DOCKETED TO EXAMINER IN GAU			
20	05/21/2004	PRELIMINARY AMENDMENT			
19.7	01/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	01/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	10/25/2004	APPLICATION RETURN FROM OIPE			
17	10/25/2004	APPLICATION RETURN TO OIPE			
16	10/25/2004	APPLICATION DISPATCHED FROM OIPE			
15	10/25/2004	APPLICATION IS NOW COMPLETE			
14	05/21/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
13	05/21/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF			

		COMPUTER LISTINGS, THAT DESCRIBE IN			
12	11/03/2003	CLAIM PRELIMINARY AMENDMENT			
9	05/21/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
8	05/21/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
7	05/28/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
6	03/04/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	02/03/2004	CLEARED BY L&R (LARS)			
4	01/26/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	01/26/2004	CASE CLASSIFIED BY OIPE			
2	12/12/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/03/2003	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

Mail Date: 04/20/2010

Applicant	: Jiahuai Zhou	: DECISION ON REQUEST FOR
Patent Number	: 7599285	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,405	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1392** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 SEVENTH STREET, N.W.
WASHINGTON DC 20004

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JUL 0 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Andres Eduardo Chmelik Martinec	:	DECISION GRANTING
Application No. 10/701,437	:	PETITION
Filed: April 27, 2004	:	
For: Pneumatic Umbrella	:	

This is a decision on the petition under 37 CFR 1.182, filed April 27, 2004, which is being construed as a request that the above-identified application be accorded the later filing date of April 27, 2004, the date omitted pages 5 and 6 of the specification were filed with the United States Patent and Trademark (Office).

On November 6, 2003, applicant deposited the above-identified application. However, on March 26, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)," stating that the application had been accorded a filing date of November 6, 2003, and advising applicant that pages 5 and 6 of the specification appeared to have been omitted from the application.

In response, on April 27, 2004, applicant filed the present petition, the petition fee, an amended specification including pages 5 and 6, and a "Substitute Patent Declaration signed by the inventor and referring to the initially filed application." The petition is being construed as a request that the above-identified application be accorded the later filing date of April 27, 2004, with the nine pages of specification and two sheets of drawings submitted on that date.

The petition is **granted**.

The Office notes that applicant states that he submitted a "Substitute Patent Declaration signed by the inventor and

referring to the initially filed application." As stated in the Notice of Omitted Item(s), applicant is required to submit a supplemental oath or declaration referring to the amended specification. Applicant must submit a new declaration in compliance with 37 CFR 1.63 and 1.64 referring to the omitted items within TWO (2) MONTHS of the date of this decision.

The application is being returned to the Office of Initial Patent Examination for further processing and to correct the filing date to April 27, 2004, using the specification submitted with the petition on April 27, 2004.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-9889

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APR 29 2004
OFFICE OF PETITIONS

In re Application of :
Tanaka, et al. :
Filed: November 6, 2003 : ON PETITION
Application No. 10/701,440 :
Atty. Dkt. No.: 396.43260X00 :

This decision in response to the "PETITION UNDER 37 C.F.R. § 1.53(e), filed March 26, 2004, to accord the above-identified application a filing date of November 6, 2003.

The application was submitted November 6, 2003. The Office of Initial Patent Examination ("OIPE") mailed a Notice of Incomplete Nonprovisional Application ("Notice") on February 4, 2004. The Notice indicated that the application had not been accorded a filing date as the application appeared to have been deposited without drawings as required under 35 USC 113.

Petitioner argues that drawings are not necessary for an understanding of the subject matter sought to be patented and requests that the application be accorded a filing date of November 6, 2003.

As stated in MPEP 601.01(f), it is the practice of the PTO to treat a non-provisional application that contains at least some disclosure of a process or method as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113 (first sentence).

Moreover, MPEP 601.01(f) provides that a nonprovisional application having at least one claim, or a provisional application having at least some disclosure, directed to the subject matter discussed above for which a drawing is usually not considered essential for a filing date, describing drawing figure(s) in the specification, but filed without drawings will be treated as an application filed without all of the drawing figures referred to in the specification as discussed in MPEP 601.01(g), so long as the application contains something that

can be construed as a written description and the names of all the inventors.

A review of the official file reveals that the application includes 28 method claims. In view of the above, the Notice mailed February 4, 2004 was mailed in error and is hereby WITHDRAWN. Accordingly, the petition is GRANTED.

The application will be processed with only the papers present on filing and is hereby accorded a filing date of November 6, 2003, without drawings as part of the original disclosure.

The petition fee of $130.00 is unnecessary and has been refunded to petitioner's Deposit Account.

The application is being returned to OIPE for reprocessing with a filing date of November 6, 2003, using the application papers filed on that date, and an indication in PTO records to show that zero (0) sheets of drawings were present on filing.

Thereafter, the application will be forwarded to the appropriate group art unit for processing in due course and examination of the preliminary amendment submitted herewith.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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Paper No.

FITZPATRICK CELLA HARPER &
SCINTO
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NEW YORK NY 10112

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OFFICE OF PETITIONS

In re Patent No. 6,944,410	:	DECISION ON
Naito et al.	:	REQUEST FOR RECONSIDERATION
Issue Date: September 13, 2005	:	OF
Application No. 10/701,451	:	PATENT TERM ADJUSTMENT
Filed: November 6, 2003	:	and
Atty Docket No. 00862.023294	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed November 10, 2005. Patentees request that the patent term adjustment indicated in the patent be corrected from zero (0) days to sixty-two (62) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of sixty-two (62) days.

On September 13, 2005, the above-identified application matured into U.S. Patent No. 6,944,410, with a revised patent term adjustment of 0 days. On November 10, 2005, patentees timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 62 days. Patentees dispute the reduction of 86 days associated with the filing on March 21, 2005, of an Information Disclosure Statement after the mailing of the notice of allowance. Patentees assert that the paper filed on that date was a request for acknowledgment of an IDS filed November 6, 2003 and that no reduction is warranted.

Patentees' arguments and evidence have been considered, and found persuasive. A review of the record reveals that on March 21, 2005 applicants made a Request for an Initialed IDS, supplying a copy of the 1449 filed prior to the mailing of the notice of allowance. Under the circumstances the filing on March 21, 2005 of the IDS along with a letter requesting return of an initialed IDS should not be considered "a failure to engage in reasonable efforts" to conclude processing or examination of an application and should not result in reduction of the patent term adjustment pursuant to 37 CFR 1.704(c)(10). The Notice of Allowance, the first Office communication after the filing of the IDSs, did not reference this IDS. The Communication filed March 21, 2005, requesting the IDS be initialed was the first opportunity by applicants to address the matter. Thus, the reduction of 86 days associated with the filing of this paper is not warranted.

In view thereof, the patent should have issued with a patent term adjustment of 62 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by SIXTY-TWO **(62)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,944,410 B2

DATED : September 13, 2005

INVENTOR(S) : Naito et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (0) days

Delete the phrase "by 0" and insert – by 62 days--

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of :
Noriyuki Komatsu et al :
Application No. 10/701,467 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 03500.017701 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2005, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 22, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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JAMES GREGORY CULLEM, ESQ.
INTELLECTUAL PROPERTY COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
3 TRASK LANE
DANVERS MA 01923

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OFFICE OF PETITIONS

In re Application of	:	
Mischel et al.	:	
Application No. 10/701,490	:	DECISION ON PETITION
Filed: November 5, 2003	:	
Attorney Docket No. CST-212	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed November 16, 2007, which set a period for reply of one (1) month or thirty (30) days, whichever is longer. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 17, 2007. A Notice of Abandonment was mailed June 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00 and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

The application file is being referred to Technology Center AU 1643 for appropriate action on the concurrently filed amendment.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: William J. Wood
Gates & Cooper LLP
6701 Center Drive West, Ste. 1050
Los Angeles, CA 90045

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KENNETH JOHN LANNES
3420 GOVERNMENT STREET
OCEAN SPRINGS, MS 39564

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FEB 28 2006

OFFICE OF PETITIONS

In re Application of:	:	
Kenneth John Lannes	:	
Application No. 10/701,514	:	DECISION ON
Filed: November 6, 2003	:	PETITION
Title of Invention:	:	
SYSTEM FOR USING TV/RADIO STATIONS	:	
FOR BROADCASTING DIGITAL CODES IN	:	
ORDER TO AUTOMATICALLY ACTIVATE A	:	
RECEIVER TO NOTIFY THE PUBLIC OF	:	
EMERGENCY INFORMATION	:	

This is a decision on the petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b), filed December 23, 2005, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed April 22, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned June 23, 2004. A Notice of Abandonment was mailed January 6, 2005.

With the instant petition, Applicant has satisfied the requirements for a grantable petition under 37 CFR 1.137(b).

This application is being referred to the Office of Initial Patent examination for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,077,157 :
Issued: July 18, 2006 :
Application No. 10/701,523 : NOTICE
Filed: November 6, 2003 :
Patentee: Carlo Cavagna :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

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OFFICE OF PETITIONS

In re Application of :
KIM et al :
Application No.: 10/701,575 : DECISION ON PETITION
Filing Date: November 5, 2003 : UNDER 37 CFR 1.137(B)
Attorney Docket No.: BP2962 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 23, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed December 5, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on March 6, 2007.

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before June 8, 1995.

The instant petition does not satisfy requirement (1) above. Specifically, the filing of a request for continued examination (RCE) is not a proper reply where an application has gone abandoned for failure to pay the issue fee and publication fee. The only proper reply under 35 CFR 1.137(b), in this instance, is payment of the issue fee and publication fee. Applicant is advised that the issue fee and publication fee are not refundable. However, if the application is subsequently allowed, the Notice of Allowance will reflect issue fee and publication fee amounts due that are the difference between the current issue fee and publication fee amounts and the issue fee and publication fee amounts that were previously paid.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of :
KIM et al :
Application No.: 10/701,575 : DECISION ON PETITION
Filing Date: November 5, 2003 : UNDER 37 CFR 1.137(B)
Attorney Docket No.: BP2962 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 4, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed December 5, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on March 6, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue fee and publication fee is accepted as having been unintentionally delayed.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy

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19 AUG 2009

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GARLICK HARRISON & MARKISON
P.O. BOX 160727
AUSTIN, TX 78716-0727

In re Application of	:	
KIM et al	:	
Application No.: 10/701,575	:	DECISION ON PETITION
Filing Date: November 5, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: BP2962	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 2, 2009, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed on December 19, 2007.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional application appears in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a

proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

With further regard to the statement of unintentional delay, petitioner's reference to "37 C.F.R. §1.78(a)(1)(ii)" is construed as a reference to 37 CFR 1.78(a)(2)(ii). If this is an incorrect interpretation, petitioner is required to notify the Office immediately.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303.

This matter is being referred to the Certificate of Correction Branch of the Office of Patent Publication for appropriate action on the request for a certificate of correction filed concurrently with the instant petition.

Bryan Lin
Legal Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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19 AUG 2009

To: Certificate of Corrections Branch

From: Bryan Lin
PCT Legal Examiner, Office of PCT Legal Administration

Subject: Request for Certificate of Correction for Patent No. 7,415,246

This is in reply to patentee's "Request for Certificate of Correction" filed 02 June 2009.

The request has been reviewed by the Office of PCT Legal Administration and should be accepted.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

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MARC R. ASCOLESE
CAMPBELL STEPHENSON ASCOLESE LLP
BUILDING 4, SUITE 201
4807 SPICEWOOD SPRINGS
AUSTIN, TX 78759

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MAY 26 2006

OFFICE OF PETITIONS

In re Application of	:	
Andrew B. Whinston et al	:	
Application No. 10/701,576	:	DECISION ON PETITION
Filed: November 5, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. G2R0003US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 3, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor Andrew B. Whinston stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3627 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 5TH AVE FL 16
NEW YORK NY 10001-7708

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JUN 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Zehavi et al.	:	
Application No. 10/701,592	:	DECISION ON PETITION
Filed: 5 November, 2003	:	UNDER 37 CFR 1.78(a)(6)
Atty Docket No. 01273/LH	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed on 27 January, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the amendment filed on 18 November, 2004.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(6) in that (1) a reference to the above-noted, prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 119(e) to the above-noted, prior-filed provisional application satisfies the conditions of 37 CFR 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, was mailed on 5 April, 2005.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3671 for appropriate action on the amendment submitted 18 November, 2004, including consideration by the examiner of the claim under 35 U.S.C. § 119(e) for the benefit of priority to prior-filed provisional Application No. 60/289,983.

Frances Hicks
Lead Paralegal
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

Mail Date: 04/20/2010

Applicant	: Franz-Josef Banet	: DECISION ON REQUEST FOR
Patent Number	: 7577747	: RECALCULATION of PATENT
Issue Date	: 08/18/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,620	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1657** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of	:	
Xing Su, et al.	:	
Application No. 10/701,650	:	DECISION ON PETITION
Filed: November 4, 2003	:	TO WITHDRAW
Attorney Docket No. 070702008920	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 6, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on June 9, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: RAJ S. DAVE', PHD
DARBY & DARBY, PC
1500 K STREET, NW
SUITE 250
WASHINGTON, DC 20005-1714

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Eddie E. Scott
Attorney
P.O. Box 808, L-703
Livermore, CA 94551

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of

Payne, et al.

Application No. 10/701,654

Filed: November 4, 2003

Attorney Docket No. IL-10737B

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed May 11, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on November 25, 2005, after it was believed that no response was received to the non-final Office action mailed August 24, 2005. The notice allowed a period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on May 5, 2006, indicating that a reply to the non-final Office action was not received.

A review of the record did reveal an amendment and terminal disclaimer filed November 17, 2005, that was responsive to the non-final Office. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2800, GAU 2828, for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Eddie E. Scott
Attorney
P.O. Box 808, L-703
Livermore CA 94551

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FEB 11 2008

OFFICE OF PETITIONS

In re Application of :

Payne, et al. :

Application No. 10/701,654 :

Filed: November 4, 2003 :

Attorney Docket No. IL-10737B

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed June 15, 2007.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on February 4, 2006, after it was believed that no response was received to the non-final Office action mailed November 3, 2006. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on June 11, 2007, indicating that a reply was not received.

Petitioner states that a response to the non-final Office action was filed on January 25, 2007. An Office date-stamped postcard whereby the USPTO acknowledged receiving the response on January 25, 2007, accompanied the petition. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply[1]. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

[1] It is noted that petitioner has repeatedly cited an incorrect application serial number on the responses filed and on the postcard. To avoid further delay in prosecuting the application, petitioner is cautioned to cite the correct application serial number on future filings.

The application file is being forwarded Technology Center 2800, GAU 2828, for further processing including review of the response filed January 25, 2007, a copy of which was filed with the petition on June 15, 2007.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JOSEPH A. SEBOLT
SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, N.W.
CANTON, OH 44718-3615

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NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Tammy E. Dollar et al :
Application No. 10/701,656 : NOTICE
Filed: November 4, 2003 :
Attorney Docket No. 1423-AK-CONT

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Blank Rome LLP
600 New Hampshire Avenue, N.W.
Washington D.C. 20037

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JAN 18 2008

OFFICE OF PETITIONS

In re Application of	:	
John C. Schwarz	:	
Application No. 10/701,663	:	DECISION ON PETITION
Filed: November 6, 2003	:	TO WITHDRAW
Attorney Docket No. 116825-00109	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Minh-Quan K. Pham on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John C. Schwartz at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **John C. Swartz**
28 Ropschinskaya
St. Petersburg, 197110
Russia

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,663	11/06/2003	John C.. Schwarz	116825-00109

CONFIRMATION NO. 7364

27557
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

POWER OF ATTORNEY NOTICE

Date Mailed: 01/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

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JAN 14 2009

OFFICE OF PETITIONS

In re Application of

Jae-Hyoung Kim

Application No. 10/701,666

Filed: November 5, 2003

Attorney Docket No. 678-1241

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 30, 2008.

The petition is **dismissed**.

This application was held abandoned June 16, 2007, after no reply was received to the Notice of Non-Compliant Amendment mailed May 15, 2007. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on June 16, 2007. A Notice of Abandonment was mailed October 30, 2008. The instant petition was filed on December 30, 2008. Petitioner maintains that the notice of May 15, 2007, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. **That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.** If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

Petitioner has not made the evidentiary showing specified above as the master docket resport showing all replies docketed for a date one month from the mail date of the Notice of Non-Compliant Amendment was did not accompany the petition. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's master docket record, or other adequate evidence to support petitioner's contention that the Notice of May 15, 2007, was not received.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee ($1,620.00 for a large entity and $810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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FEB 13 2009

OFFICE OF PETITIONS

In re Application of

Jae-Hyoung Kim

Application No. 10/701,666

Filed: November 5, 2003

Attorney Docket No. 678-1241

DECISION ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed January 27, 2009.

The petition is **granted**.

This application was held abandoned June 16, 2007, after no reply was received to the Notice of Non-Compliant Amendment mailed May 15, 2007. The notice set forth a shortened period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on June 16, 2007. A Notice of Abandonment was mailed October 30, 2008. The instant petition was filed on December 30, 2008. Petitioner maintains that the notice of May 15, 2007, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2600, GAU 2618 for further processing that may include remailing of the Notice of Non-Compliant Amendment and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

THOMAS HOXIE
NOVARTIS, CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 430/2
EAST HANOVER, NJ 07936-1080

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APR 21 2004

OFFICE OF PETITIONS

In re Application of :
Blank et al. :
Application No. 10/701,698 :
Filed: November 5, 2003 : ON PETITION
Attorney Docket No. N-32769A :

This is a decision in response to the Petition to Correct Filing Date, filed February 27, 2004, which is properly treated under 37 CFR 1.10(c), requesting the application be accorded a filing date of November 5, 2003, instead of the presently accorded filing date of November 4, 2003.

Petitioner alleges that the application was deposited in Express Mail service on November 5, 2003. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EV335544995US. Although the "Date In" indicated on the Express Mail label is November 4, 2003, the Express Mail Label is properly addressed to the Commissioner for Patents, and the Express Mail label contains a United States Postal Service (USPS) stamp of November 5, 2003. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No fee is necessary.

This application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to November 5, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130-2040

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JUN 18 2007

OFFICE OF PETITIONS

In re Application of :

Jin Po Lee :
Application No. 10/701,717 : DECISION ON PETITION
Filed: November 4, 2003 : TO WITHDRAW
Attorney Docket No. 532812000200 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 15, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Peng Chen on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Jin Po Lee at the address indicated below.

There is an outstanding Office action mailed February 20, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

J. Williams
Terri Williams
Petitions Examiner
Office of Petitions

cc: **Jin Po Lee**
7348 Melodia Terrace
Carlsbad, CA 92009

cc: **Dr. Jin Po Lee**
2774 Loker Avenue West
Carlsbad, CA 92008-6610

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,717	11/04/2003	Jin Po Lee	532812000200

CONFIRMATION NO. 7412

OC000000024395360

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 06/18/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/15/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Terri J. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

OIPE
SEP 16 2004
PATENT & TRADEMARK OFFICE

09-20-04

IFW

PTO/SB/83 (09-03)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/701,723
Filing Date	11/04/2003
First Named Inventor	ONG
Art Unit	1765
Examiner Name	N/A
Attorney Docket Number	SGEN-P005

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/19/05
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☑ the attorneys/agents associated with Customer Number 41066

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: - Per client request
- There is an outstanding term for response that is set to expire on, 09/30/2004

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ Customer Number:

OR

☑ Firm or Individual Name	Silicon Genesis Corporation				
Address	590 Division Street				
Address					
City	Campbell	State	CA	Zip	95008
Country	USA				
Telephone	(408) 228-5858			Fax	(408) 228-5859
Name	James R. Hao				
Signature			Registration No.		36,398
Date	09/16/2004		Telephone No.		(408) 938-9060

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

RECEIVED
SEP 21 2004
OIPE / JCW5

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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WILLIAM G. GUERIN
GUERIN & RODRIGUEZ LLP
5 MOUNT ROYAL AVE
MARLBOROUGH, MA 01752

COPY MAILED

JAN 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Meninger et al :
Application No. 10/701,732 : NOTICE
Filed: November 5, 2003 :
Attorney Docket No. MIT-005 (10166)

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two, Lobby
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

This file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MacPHERSON KWOK CHEN & HEID, LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

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APR 20 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth C. Widen :
Application No. 10/701,760 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. M-15290 US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 12, 2006, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 17, 2006, which set a shortened statutory period for reply of thirty days. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional

information. *See* MPEP 711.03(c)(II)(C). The instant petition lacks item (1).

The petition cannot be granted at this time since the reply to the outstanding Office action of February 17, 2006 has not been received. Since it appears that petitioner did not receive a copy of this Office action, a copy thereof accompanies this decision on petition.

Any further reconsideration of this decision should include a renewed petition under 37 CFR 1.137(b) (no additional fee due) and the required reply to the outstanding Office action of February 17, 2006.

It is noted that the Office action of February 17, 2006 was mailed as directed to the address noted in the Declaration for Patent Application and Power of Attorney. The record does not disclose that this Office action was returned to the Office as undeliverable. Accordingly, there is no indication that the Office action was never received at the address to which it was properly mailed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Copy of February 17, 2006 Office action

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MacPHERSON KWOK CHEN & HEID, LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

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OCT 30 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth C. Widen :
Application No. 10/701,760 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. M-15290 US :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 11, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 17, 2006, which set a shortened statutory period for reply of thirty days. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 23, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed;
(2) the petition fee as set forth in 37 CFR 1.17(m);
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of $750, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Office action of February 17, 2006 is accepted as being unintentionally delayed.

The rule at 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 2877 for appropriate action in the normal course of business on the reply received June 11, 2007.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MacPHERSON KWOK CHEN & HEID, LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

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DEC 11 2007

OFFICE OF PETITIONS

In re Application of :
Kenneth C. Widen :
Application No. 10/701,760 : DECISION ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. M-15290 US :

This is a decision on the communication, filed November 29, 2007, which is being treated as a petition for review of the record for this case and to withdraw the holding of abandonment based on failure to receive the Office action of February 17, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed February 17, 2006, which set a shortened statutory period for reply of thirty days. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). A Notice of Abandonment was mailed on August 23, 2006.

A review of the record discloses that a first petition to revive under 37 CFR 1.137(b) was filed on September 12, 2006, which contended that no fee is believed due since the February 17, 2006 Office action was never received. The petition was not accompanied by the required evidence of non-receipt. This petition was dismissed in a decision mailed April 20, 2007 since the reply to the outstanding Office action of February 17, 2006 had not been received. This decision further stated that the file record indicated that the Office action of February 17, 2006 was mailed to the address of record and there was no indication that it had been returned to the Office as undeliverable.

The renewed petition of June 11, 2007 was accompanied by the reply to the outstanding Office action of February 17, 2006. Additionally, petitioner, in the renewed petition, again contended that no fee was due since the Office action of February 17, 2006 had never been received, which was not addressed in the

decision granting the petition to revive under 37 CFR 1.137(b) mailed to petitioner on October 30, 2007.

Petitioner now requests a refund of the petition fee and submits for the first time a copy of his docket record to support a showing of non-receipt of the February 17, 2006 Office action.

In reviewing the file record for this application, it is now noted that there are two entries in the Image File Wrapper of an Office action dated February 17, 2006. Neither entry indicates that the Office action was returned as undeliverable, which would tend to indicate that the Office action was scanned into the Image File Wrapper twice and never mailed to the applicant. Therefore, contrary to the statement made in the decision mailed April 20, 2007, it would appear that there was in fact an irregularity in the mailing of the Office action of February 17, 2006. Accordingly, it would be appropriate here to treat the petitions under 37 CFR 1.137(b) as a request to withdraw the holding of abandonment under 37 CFR 1.181(a).

In view of the above, the Notice of Abandonment mailed on August 23, 2006 is **vacated** and the holding of abandonment **withdrawn**.

In view of the above, the $1,500 petition fee submitted on September 12, 2006 will be refunded to petitioner's deposit account in due course.

In the future, petitioner should file the appropriate petition to withdraw the holding of abandonment under 37 CFR 1.181(a) where it is contended that an Office action was never received. *Note* MPEP Section 711.03(c).

This application is currently before Technology Center AU 2886 for appropriate action on the reply to the February 17, 2006 Office action.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT A. PARSONS
PARSONS & GOLTRY
SUITE 260
340 EAST PALM LANE
PHOENIX, AZ 85004

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JUL 1 6 2004

OFFICE OF PETITIONS

In re Application of :
Yong Shan Zhang :
Application No. 10/701,774 : ON PETITION
Filed: May 24, 2004 :
Attorney Docket No. 4189-PA21 :

This is a decision on papers filed on May 24, 2004, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of November 5, 2003, including five (5) pages of informal drawings.

The application was submitted on November 5, 2003. However, on April 20, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings. The Notice also stated the filing date would be the date of receipt of the omitted drawings.

In response, on May 24, 2004, the instant petition and five (5) sheets of drawings were submitted. Petitioner argues that the five (5) sheets of drawings were filed on November 5, 2003 and that the drawings must have been misplaced in the Patent and Trademark Office (PTO). In support, petitioner has submitted declarations by Robert A. Parsons, a registered practitioner and the attorney for applicant, and Leta Eckroh, a docket administrator, a copy of the application transmittal form, a copy of a "checklist," initialed by the signing attorney, a copy of the drawings from the file wrapper in the petitioner's office and a copy of the "Certificate of Express mailing" that was submitted with the above-identified application on November 5, 2003.

Robert A. Parsons states, "the following procedure was in place on 05 November 2003: 1) Paperwork necessary for the application

was submitted to me for my signature; 2) I signed the papers and insured the presence of all necessary papers by completing and signing the Checklist for Mailing; 3) The original application paperwork was checked to assure it was completed by Leta Eckroth, Docketing Administrator, who then made copies for the file and placed the original application paperwork into the Express Mail envelope; 4) The envelope was sealed by Leta Eckroth and taken to the Express Mail Drop. There was no reason to unseal the envelope after all procedures were implemented." Robert A. Parsons further states, "This is a description of our normal procedure for all applications, and to the best of my remembrance and by all evidence in the file, this procedure was implemented on the day of filing for the above-referenced application. All this being said, I further state that the drawings at issue were included in the mailing on that day."

Leta Eckroth states, "In order to ensure that all appropriate paperwork for an application was mailed to the Office, the following procedure was in place on 05 November 2003: 1) I submitted all paperwork necessary for the application to the supervising attorney for his signature; 2) The papers were signed by the attorney and matched against a checklist of required papers. The attorney completed and signed the checklist for mailing, indicating the presence of all necessary papers; 3) I checked to see that all paperwork was completed and executed, I made copies for the file and I placed all the application paperwork into the Express Mail envelope; 4) I then sealed the envelope to be taken to the Express Mail Drop. There was no reason to unseal the envelope after all procedures were implemented. Leta Eckroth further states, "This is a description of our normal procedure for all applications, and to the best of my remembrance and by all evidence in the file, this procedure was implemented on the day of filing for the above-referenced application. All this being said, I further state that the drawings at issue were included in the mailing on that day."

The declarations have been considered, but are not persuasive. The Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the official file reveals zero (0) pages of drawings were filed on November 5, 2003. The five (5) sheets of drawings were not filed on November 5, 2003, since no such pages are present in the file. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The declarations relied on contain the declarants' recall of routine events which

occurred more than six months earlier and are not more persuasive than the record of what was filed as shown by the official file.

Additionaly, in support, petitioner has submitted a copy of the application transmittal form, a copy of a "checklist," initialed by the signing attorney and a copy of the drawings from the file wrapper in the petitioner's office. Again, the fact that petitioner's copy of the application contains these items is not more probative than the official file record of what was actually mailed on November 5, 2003, which does not contain the five (5) sheet of informal drawings.

It should be noted that the official file shows that the application transmittal letter contains a notation made by a PTO employee that the five (5) sheets of drawings identified on the application transmittal letter were not found in the Express Mail envelope. This indicates that the drawings were not misplaced in the PTO, since the PTO employee who opened the Express Mail envelope recognized that five (5) sheets of drawings were intended to be filed and found the drawings to be missing.

Lastly, petitioner has submitted a copy of a "Certificate of Express Mailing." Again, this item is not more probative than the official file record of what was actually mailed on November 5, 2003, which does not contain the five (5) sheet of informal drawings.

It should be noted that although MPEP §512, Certificate of Mailing or Transmission, states, "For the purposes of 37 CFR 1.8(a)(1)(I)(A), first class mail is interpreted as including "Express Mail" ... deposited with the U.S. Postal Service," 37 CFR 1.8(a)(2)(I)(A) sets forth, "The procedure described in paragraph (a)(1) of this section does **not** apply to, and **no** benefit will be given to a Certificate of Mailing or Transmission on the following: The filing of a national patent application specification and drawing or other correspondence **for the purpose of obtaining an application filing date...**" (Emphasis supplied). Accordingly, a Certificate of Mailing may not be used to obtain a filing date.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which

are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Petitioner states that a postcard receipt was submitted with the application on November 5, 2003, but that the postcard has not been returned to petitioner's office. This is unfortunate as a copy of a postcard receipt that indicates receipt of the omitted drawings on November 5, 2003, would be prima facie evidence of receipt of those drawings on that day.

As such, at the present time, the petition must be dismissed. However, this decision is made without prejudice to reconsideration.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

The application is entitled to a filing date of May 24, 2004, the date of receipt of the drawings required by 35 USC 113, first sentence.

The application will be forwarded to The Office of Initial Patent Examination for further processing with a filing date of May 24, 2004, using the five (5) sheets of informal drawings submitted on that date.

Telephone inquiries should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT A. PARSONS
PARSONS & GOLTRY
SUITE 260
340 EAST PALM LANE
PHOENIX, AZ 85004

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OFFICE OF PETITIONS

In re Application of :
Yong Shan Zhang :
Application No. 10/701,774 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 4189-PA21 :

This is a decision on the "Request For Reconsideration" filed August 6, 2004, requesting that the above-identified application be accorded a filing date of November 5, 2003, including five (5) sheets of drawings.

The application was submitted on November 5, 2003. However, on April 20, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice Of Incomplete Nonprovisional Application" (Notice) that stated the application had not been accorded a filing date, and that the application was deposited without drawings. A petition was filed on May 24, 2004 and was dismissed on July 16, 2004.

In response, on August 6, 2004, the instant renewed petition was submitted. Petitioner argues that five (5) sheets of drawings were filed on November 5, 2003. Now, in support, the instant renewed petition is accompanied by a copy of applicant's postcard receipt that acknowledges receipt of five (5) sheets of informal drawings on November 5, 2003. A review of the application file indicates the presence of zero (0) sheets of drawings. It is assumed that missing sheets of drawings were misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee will be refunded by treasury check.

This application will be returned to OIPE for further processing with a filing date of November 5, 2003, using the five (5) sheets of drawings, supplied on May 24, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

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SEP 0 5 2006

OFFICE OF PETITIONS

In re Application of :
Phil Heenan :
Application No. 10/701,842 : DECISION ON PETITION
Filed: November 5, 2003 : TO WITHDRAW
Attorney Docket No. 6397.P001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 15, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jame Y. Go on behalf of all attorneys of record who are associated with customer No. 08791.

All attorneys/agents associated with the Customer Number 08791 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time. All future correspondence will be directed to the sole named inventor Phil Heenan at the address indicated below.

There is an outstanding Office action mailed November 29, 2005 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (571)272-3213. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

Conferee:

cc: Phil Heenan
3917 Coffee Bean Cove
Austin, TX 78728

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

4/13/07

Patent No. :6936524
Inventor(s) : ZHU,Xu et al.
Issued : 8/30/2005
Title : ULTRATHIN FORM FACTOR MEMS MICROPHONES AND MICROSPEAKERS
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that item [56] is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied. However the remaining of the corrections will be corrected.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

JONES DAY
500 GRANT STREET SUITE 3100
PITTSBURGH, PA 15219-1425

HR/CBN

10/701884

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/30/05

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 6841776

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - ~~PK 3-922~~ South/T 9A22
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check Figs / spec.

Thank You For Your Assistance

E Young
Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

SPE

2881
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

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OCT 27 2008

OFFICE OF PETITIONS

In re Application of :

HOANG, Ba X. :
Application No. 10/701,899 :
Filed: November 04, 2003 :
Attorney Docket No. **54320-8005** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 22, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Brian R. Coleman on behalf of all attorneys of record who are associated with customer No. 22918. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

The application became abandoned for failure to reply to the office action mailed April 10, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **BA X. HOANG**
4155 MOORPARK AVENUE, #20
SAN JOSE, CA 95117

cc: **ALLERGY RESEARCH GROUP**
2300 NORTH LOOP ROAD
ALAMEDA, CA 94502

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEAN M. CASEY CO., L.P.A.
ATTENTION: SEAN M. CASEY
P.O. BOX 710
NEW ALBANY, OH 43054-0710

COPY MAILED

FEB 10 2006

OFFICE OF PETITIONS

In re Application of :
Michael D. Hanover Jr. et al :
Application No. 10/701,920 : DECISION ON PETITION
Filed: November 3, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 52472.005 : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed March 1, 2004, to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. § 708.02, Section I.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;
>
> If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition does not comply with items (A) and (C). With regard to item (A), the required statements as to the approximate amount of capital and the general nature of the facilities have not been included. Also, the required corroborating statement made by a responsibly party, such as an officer of a bank, has not been submitted. Finally, the prospective manufacturer has not made a statement that he has obligated himself to manufacture the invention in the United States or its possession.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3713 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

Petition Office

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEAN M. CASEY CO., L.P.A.
ATTENTION: SEAN M. CASEY
P.O. BOX 710
NEW ALBANY, OH 43054-0710

OIPE
FEB 17 2006
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FEB 10 2006

OFFICE OF PETITIONS

In re Application of :
Michael D. Hanover Jr. et al :
Application No. 10/701,920 : DECISION ON PETITION
Filed: November 3, 2003 : TO MAKE SPECIAL UNDER
Attorney Docket No. 52472.005 : 37 CFR 1.102(d)
:

This is a decision on the petition under 37 CFR 1.102(d), filed March 1, 2004, to make the above-identified application special based on prospective manufacture as set forth in M.P.E.P. § 708.02, Section I.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(d) and MPEP § 708.02, Section I: Manufacture, must be accompanied by the required fee pursuant to 37 CFR 1.17(h) and a statement by the applicant, assignee, or attorney/agent registered to practice before the Office alleging:

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted;
>
> If the prospective manufacturer is an individual, there must be a corroborating statement from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The instant petition does not comply with items (A) and (C). With regard to item (A), the required statements as to the approximate amount of capital and the general nature of the facilities have not been included. Also, the required corroborating statement made by a responsibly party, such as an officer of a bank, has not been submitted. Finally, the prospective manufacturer has not made a statement that he has obligated himself to manufacture the invention in the United States or its possession.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3713 for action in its regular turn.

David Bucci
Petitions Examiner
Office of Petitions

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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MAR 13 2007

OFFICE OF PETITIONS

In re Application of
Michael D. Hanover, Jr., et al.
Application No. 10/701,920
Filed: November 3, 2003
Attorney Docket No. 5106-053492

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 6, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorney/agents wish to withdraw by customer number but were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. MICHAEL D. HANOVER, JR.
1771 PROGRESS AVENUE
COLUMBUS, OH 43207

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PITTSBURGH PA 15219

In re Application of
Michael D. Hanover, Jr., et al.
Application No. 10/701,920
Filed: November 3, 2003
Attorney Docket No. 5106-053492

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 23, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Barbara E. Johnson on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed March 15, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: MR. MICHAEL D. HANOVER
1771 PROGRESS AVENUE
COLUMBUS, OH 43207

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,920	11/03/2003	Michael D. Hanover JR.	5106-053492

CONFIRMATION NO. 7571

OC000000025241797

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Date Mailed: 08/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

Howard IP Law Group
P.O. Box 226
Fort Washington, PA 19034

Mail Date: 04/21/2010

Applicant	: James J. Mallozzi	: DECISION ON REQUEST FOR
Patent Number	: 7580879	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,945	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1476** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
SUITE 2300
LOS ANGELES CA 90017

COPY MAILED
MAR 02 2010

In re Application of :
Seung-June Yi et al :
Application No. 10/701,971 : ON PETITION
Filed: November 4, 2003 :
Attorney Docket No. 2101-3-15 :

This is a decision on the petition filed March 1, 2010, under 37 CFR 1.313 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner should be aware that 37 CFR 1.313(b), is not the appropriate avenue to have an IDS considered after payment of the issue fee. The appropriate avenue is by way of a petition under 37 CFR 1.313(c).

Petitioner may consider filing under 37 CFR 1.313(c)(2).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
SUITE 2300
LOS ANGELES CA 90017

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MAR 02 2010

In re Application of	:	
Seung-June Yi et al	:	
Application No. 10/701,971	:	DECISION GRANTING PETITION
Filed: November 4, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2101-3-15	:	

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed March 2, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 9, 2009, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2419 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 26 2007

OFFICE OF PETITIONS

LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of :
Robert Arthur Lee :
Application No. 10/701,975 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. CU-3426 :

This is a decision on the petition, filed February 26, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 9, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2873 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 29 2004

In re Application of :
Robert M. Burk et al :
Serial No. 10/701,977 :
Filed: November 4, 2003 :
For: OMEGA-CYCLOALKYL 17-HETEROARYL :
PROSTAGLANDIN E2 ANALOGS AS :
EP2-RECEPTOR AGONISTS :

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR 1.313(b)

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Joseph McKane at (571) 272-0699.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Bruce M. Kisliuk
Director, Technology Center 1600

Allergan, Inc.
2525 Dupont Drive
Irvine CA 92612-1531

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF WAYNE CARROLL
7830 N. 23RD AVE
PHOENIX, AZ 85021

COPY MAILED
NOV 0 8 2006
OFFICE OF PETITIONS

In re Application of :
Mark C. Metzger :
Application No. 10/701984 :
Filing or 371(c) Date: 11/06/2003 : ON PETITION
Title of Invention: APPARATUS AND :
METHOD FOR BAGGING ICE :

This is a decision on the petition under 37 CFR 1.137(a), filed March 28, 2005, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed July 12, 2004. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on October 13, 2005. A Notice of Abandonment was mailed March 7, 2005.

The instant petition

Applicant files the instant petition and states that the Applicant in the above-identified application "was the inventor of an apparatus that was filed by another, and that he wishes to contest the inventorship, partly by way of an Interference request." Applicant next states that "[s]ince applicant was not timely apprised of the other filing, he filed his own case, namely, U.S.

Patent Application Serial No. 10/701,984." Declaration of Peter Gluck p.1. Finally, Applicant states that "[w]hile applicant explores intervening in the prior case, applicant wishes to preserve his rights." For these reasons, Applicant the delay in responding to the Office action was unavoidable.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks item (**3**) as set forth above.

Applicable Law, Rules and MPEP

As to item (**3**), Applicant must provide a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable. In order to determine whether the delay was unavoidable, the courts have adopted a "reasonably prudent person" standard. The courts have provided that:

> [t]he word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ

977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

"The critical phrase 'unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable' has remained unchanged since first enacted in 1861." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The standard for "unavoidable" delay for reinstating a patent is the same as the unavoidable standard for reviving an application. See Ray v. Lehman, 55 F.3d 606, 608-609, 34 U.S.P.Q.2d (BNA) 1786, 1787 (Fed. Cir. 1995) (citing In re patent No. 4,409,763, 7 U.S.P.Q.2d (BNA) 1798, 1800 (Comm'r Pat. 1990; Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (D.C. Cir. 1982). The court in In re Mattullath, accepted the standard which had been proposed by Commissioner Hall which "requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business." In re Mattullath, 38 App. D.C. 497, 514-515 (1912) (quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)). However, "The question of whether an applicant's delay in prosecuting an application was unavoidable [will] be decided on a case-by-case basis, taking all of the facts and circumstances into account."[1] Nonawareness of the content of, or a misunderstanding of, PTO statutes, PTO rules, the MPEP, or Official Gazette notices, does not constitute unavoidable delay.[2]

The statute requires a "showing" by petitioner. Therefore, petitioner has the burden of proof. The decision will be based solely on the written, administrative record in existence. It is not enough that the delay was unavoidable; petitioner must prove that the delay was unavoidable. A petition will not be granted if petitioner provides insufficient evidence to "show" that the delay was unavoidable.

Applicant is further advised that the Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962); Huston v. Ladner, 973 F.2d 1564, 1567, 23 USPQ2d 1910, 1913 (Fed. Cir. 1992); see also Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (D.N. Ind. 1987).

Specifically, petitioner's delay caused by the actions or inactions of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 USC 133 or 37 CFR 1.137(a). Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v.

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[1] Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (1982).

[2] See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D. D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)); Vincent v. Mossinghoff, 1985 U.S. Dist. LEXIS 23119, 13, 230 U.S.P.Q. (BNA) 621 (D. D.C. 1985) (Plaintiffs, through their counsel's actions, **or their own**, must be held responsible for having noted the MPEP section and Official Gazette notices expressly stating that the certified mailing procedures outlined in 37 CFR 1.8(a) do not apply to continuation applications.) (Emphasis added).

Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891). In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

Analysis

Applicant here asserts that the delay in responding to the Office action was unavoidable because he wishes to contest inventorship; because he filed this application since he was not timely apprised of the other filing, and he wishes to preserve his rights. Applicant has failed to provide a reason as to why the reply to the Office action was unavoidably delayed. The standard requires Applicant to demonstrate that he acted as a prudent and careful person in relation to their most important business. While it is noted that Applicant may wish to contest inventorship and preserve his rights, these are not reasons that filing a reply to the Office action was unavoidably delayed.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Finally, the address on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

CC: GREENBERG TRAURIG LLP
2450 COLORADO AVENUE
SUITE 400 EAST
SANTA MONICA, CA 90404

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF WAYNE CARROLL
7830 N. 23RD AVE
PHOENIX, AZ 85021

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APR 20 2007

OFFICE OF PETITIONS

In re Application of :
Mark C. Metzger :
Application No. 10/701984 :
Filing or 371(c) Date: 11/06/2003 : ON PETITION
Title of Invention: APPARATUS AND :
METHOD FOR BAGGING ICE :

This is a decision on the petition under 37 CFR 1.137(b), filed January 6, 2007, to revive the above-identified application. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed July 12, 2004. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on October 13, 2005. A Notice of Abandonment was mailed March 7, 2005.

Applicant files the instant petition to revive the application. An Amendment in response to the Office action was filed March 28, 2006. Accordingly, the petition is granted.

This application is being referred to Technology Center Art Unit 3751 for processing of the Amendment in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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LAW OFFICES OF WAYNE CARROLL
7830 N. 23RD AVENUE
PHOENIX, AZ 85021

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FEB 2 1 2008

OFFICE OF PETITIONS

In re Application of :
METZGER, Mark C. :
Application No. 10/701,984 : DECISION ON PETITION
Filed: November 6, 2003 : TO WITHDRAW
Attorney Docket No. **33878.74 (6029-2)** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 9, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **LAW OFFICES OF WAYNE CARROLL** has been revoked by the assignee of the patent application on August 28, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **HAYNES AND BOONE, LLP**
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

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Abbott Diabetes Care Inc.
Bozicevic, Field & Francis LLP
1900 University Ave
Suite 200
East Palo Alto CA 94303

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DEC 18 2009

OFFICE OF PETITIONS

In re Patent No. 7,572,237 :
Saikley et al. :
Issue Date: August 11, 2009 :
Application No. 10/701,993 : DECISION ON REQUEST FOR
Filed: November 4 2003 : RECONSIDERATION OF
Attorney Dkt. No. ADCI-011 : PATENT TERM ADJUSTMENT
Title: AUTOMATIC BIOLOGICAL :
ANALYTE TESTING METER WITH :
INTEGRATED LANCING DEVICE AND :
METHODS OF USE :

This is in response to the " Request Under 37 C.F.R. §1.705(d) For Reconsideration Of Patent Term Adjustment", filed October 1, 2009. Patentees request that the patent term be adjusted from 329 days to 558 days.

Patentees also request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until after a final decision has been rendered in Wyeth v. Dudas. There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705(d) be held in abeyance.

The request for reconsideration of patent term adjustment is **DISMISSED**.

On August 11, 2009, the above-identified application matured into US Patent No. 7,572,237 with a patent term adjustment of 329 days. This request for reconsideration of patent term adjustment (including the required fee) was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that pursuant

to Wyeth, a PTO delay under 35 U.S.C. §154(b)(1)(A) overlaps with a delay under 35 U.S.C. §154(b)(1)(B) only if the delays "occur on the same day." Patentees maintain that the period of adjustment due to the Three Year Delay by the Office, pursuant to 37 CFR § 1.703(b), 229 days, does not overlap with the 455 day period of adjustment due to examination delay, pursuant to 37 CFR §1.702(a), as these periods do not occur on the same day.

Patentees submit that the total period of adjustment for Office delay is the sum of the period of three-year delay (229 days) and the period of examination delay (455 days) to the extent these periods do not overlap. As such, patentees assert entitlement to a patent term adjustment of 558 days (455 days *plus* 229 days less 126 days of applicants' delay).

The Office finds that as of the day before the date of the filing of the request for continued examination (RCE) on June 20, 2007, the application was pending three years and 228 days after its filing date (November 4, 2006 to December 20, 2007). An entry of a period of adjustment of 455 days was entered for Office delay. At issue is whether patentees should accrue an additional 228 days of patent term adjustment for the Office taking in excess of three years to issue the patent as well as 455 days for Office failure to take a certain action within a specified time frame (or examination delay).

Patentee's calculation of the period of overlap is inconsistent with the Office's interpretation of this provision. 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

Likewise, 37 CFR 1.703(f) provides that:

> To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 56366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004). See also *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004).

As such, the period for over 3 year pendency does not overlap only to the extent that the actual dates in the period beginning three years after the date on which the application was filed overlap with the actual dates in the periods for failure of the Office to take action within specified time frames.

In this instance, the relevant period under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay "overlap" under 35 U.S.C. 154(b)(2)(A) is the filing date November 4, 2003 until the day before the filing of the RCE on June 20, 2007. Prior to the issuance of the patent, 455 days of patent term

adjustment were accorded for the Office failing to respond within a specified time frame during the pendency of the application.

The Office did not delay 455 days and then delay an additional 228 days. Accordingly, 455 days of patent term adjustment for Office delay (not 455 days and 228 days) was properly entered because the entire period of delay of 228 days attributable to the delay under 37 CFR 1.702(b) overlaps with the 455 days attributable to grounds specified in § 1.702(a)(1).

Accordingly, at issuance, the Office properly entered no additional days of patent term adjustment.

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent was 329 (455-126) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Charlema Grant, Petitions Attorney, at (571) 272-3215.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

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Abbott Diabetes Care Inc.
Bozicevic, Field & Francis LLP
1900 University Ave
Suite 200
East Palo Alto, CA 94303

Mail Date: 04/21/2010

Applicant	: Charles R. Saikley	: DECISION ON REQUEST FOR
Patent Number	: 7572237	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/701,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/04/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **557** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 05/28/2010

Applicant	: M. Scott Corson	: DECISION ON REQUEST FOR
Patent Number	: 7623477	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/702,000	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1698** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CLIFFORD G. FRAYNE
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136 DRUM POINT ROAD
BRICK, NJ 08723

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AUG 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Rhodes, et al. :
Application No. 10/702,012 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 771-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action, a Notice of Non-Compliant Amendment, mailed December 27, 2004, which set a one (1) month period to respond. Accordingly, this application became abandoned on January 28, 2005. A Notice of Abandonment was mailed on May 18, 2005.

Please note, the power of attorney and change of correspondence address, filed August 1, 2005, has not been entered. A statement under 37 CFR 3.73(b) (for the assignee) must be submitted or it must be signed by all of the inventors.

As such, a courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The file is being forwarded to Technology Center 1700, for review of the amendment, filed August 1, 2005, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

cc.
RAYMOND A. MILLER
PEPPER HAMILTON, LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

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WILLIAM A. BLAKE
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

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APR 0 3 2007

OFFICE OF PETITIONS

In re Application of	:	
Kekez et al.	:	
Application No. 10/702,033	:	ON PETITION
Filed: November 6, 2003	:	
Attorney Docket No. MAC 494-4	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 9, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Publishing Division for processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Liniak, Berenato & White, LLC
6550 Rock Springs Drive, Suite 240
Bethesda, MD 20817

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of :
Werner BLOCH :
Application No. 10/702,037 : DECISION ON PETITION
Filed: November 6, 2003 : TO WITHDRAW
Attorney Docket No. 16202.960 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Thomas P. Liniak.

Thomas P. Liniak has been withdrawn as attorneys or agents of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Monica Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

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James Klekotka
Suite 10
4350 W. Chandler Blvd.
Chandler, AZ 85226

Mail Date: 04/21/2010

Applicant	: Noriaki Fukiage	: DECISION ON REQUEST FOR
Patent Number	: 7611758	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,049	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1192** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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James Klekotka
Suite 10
4350 W. Chandler Blvd.
Chandler, AZ 85226

Mail Date: 05/18/2010

Applicant : Noriaki Fukiage
Patent Number : 7611758
Issue Date : 11/03/2009
Application No: 10/702,049
Filed : 11/06/2003

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **1290** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

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SEP 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Takagi, et al. :
Application No. 10/702,057 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 2003_1396 :

This is a decision on the petition under 37 CFR 1.183 filed August 16, 2005.

The petition under 37 CFR 1.183 is **granted**.

Petitioner requests waiver of 37 CFR 1.125(d) pursuant to 37 CFR 1.183 to allow a substitute specification to be filed in the instant reissue application. Petitioner states that the examiner assigned to this application has indicated that the filing of a substitute specification is the most efficient way to further process the reissue application. The request for waiver of 37 CFR 1.125(d) pursuant to 37 CFR 1.183 is granted.

Petitioner is advised that the fee for a petition under 37 CFR 1.183 is $400.00. See 37 CFR 1.183. It is noted that $130.00 was received for a petition fee, therefore; deposit account 23-0975 will be charged an additional $270.00 for the instant petition fee.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being directed to Technology Center 2600, GAU 2655, for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Riverbed Technology Inc. - PVF
c/o Park, Vaughan & Fleming LLP
2820 Fifth Street
Davis, CA 95618

Mail Date: 06/25/2010

Applicant	: Edward W. Kohler JR.	: DECISION ON REQUEST FOR
Patent Number	: 7664963	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/702,073	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **800** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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MAR 2 6 2010

OFFICE OF PETITIONS

In re Patent No. 7,567,272	:	
Lutz Lohmann	:	DECISION ON REQUEST
Issue Date: 07/28/2009	:	FOR RECONSIDERATION OF
Application No. 10/702093	:	PATENT TERM ADJUSTMENT
Filed: 11/06/2003	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
38412-198025	:	CERTIFICAE OF CORRECTION

This is a decision on the petition filed on September 21, 2009, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand six hundred fourteen (1614) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand six hundred fourteen (1614) days is **GRANTED**.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand six hundred fourteen (1614) days.**

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.

Alesia Brown
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,567,272 B2

DATED : **July 28, 2009**

INVENTOR(S) : Lohmann

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 945 days.

Delete the phrase "by 945 days" and insert – by 1614 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Lutz Lohmann	: DECISION ON REQUEST FOR
Patent Number	: 7567272	: RECALCULATION of PATENT
Issue Date	: 07/28/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,093	: OF WYETH
Filed	: 11/06/2003	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN BRUCKNER, P.C.
P.O. BOX 490
FLAGSTAFF, AZ 86002

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In re Application of :
Brian T. Donovan, et al. :
Application No. 10/702,095 : DECISION ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. LIGH1110-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2008, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 2, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed June 2, 2008. Accordingly, the date of abandonment of this application is September 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Office of Data Management for processing into a patent.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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www. uspto. gov

DAVID M. WARREN
655 OAKLAND AVE.
CEDARHURST, NY 11516

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JUN 14 2010

OFFICE OF PETITIONS

In re Application of :
Joel D. Martz :
Application No. 10/702,098 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 3070A :

This is a decision on the petition filed April 12, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 14, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1794 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

CHARLES N. J. RUGGIERO, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L. L. P.
10th FLOOR
ONE LANDMARK SQUARE
STAMFORD, CT 06901-2682

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JUN 22 2005

OFFICE OF PETITIONS

In re Application of :
Falla : DECISION ON PETITION
Application No. 10/702,103 :
Filed: November 5, 2003 :
Docket No.: PL067USQ :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 9, 2005 to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned August 18, 2004 for failure to timely reply to the non-final Office action mailed May 17, 2004. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed November 26, 2004.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application will be forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : December 6 2006

Patent No. :7,086,926
Inventor(s) :Gloria Falls
Issued :August 8, 2006
Title :BRASSIERE SHOULDER STRAP PAD
Docket No. :PL067USQ

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-8300
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308-9381 ext. 123

Charles N.J. Ruggiero
Ohland, Greelye, Ruggiero &
Perle, L.L.P
One Landmark Square, 10th Flr.
Stamford, Connecticut 06901-2682

CBN/arg

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OFFICE OF PETITIONS

CHARLES N. J. RUGGIERO, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L. L. P.
10th FLOOR
ONE LANDMARK SQUARE
STAMFORD CT 06901-2682

In re Patent No. 7,086,926 :
Issue Date: August 8, 2006 :
Application No. 10/702,103 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. PL067USQ :

This is a decision on the petition filed February 12, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Alesia M. Brown
Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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YAHOO! INC.
C/O Ostrow Kaufman & Frankl LLP
The Chrysler Building
405 Lexington Avenue, 62nd Floor
NEW YORK, NY 10174

Mail Date: 04/20/2010

Applicant	: Jeffrey Dean Black	: DECISION ON REQUEST FOR
Patent Number	: 7630973	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,116	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/03/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **487** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Linda E. Horner
United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Garrett Unno et al.	:	
Application No. 10/702,122	:	DECISION ON PETITION
Filed: November 5, 2003	:	TO WITHDRAW
Attorney Docket No. 100/06802 (2052. 0130002)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 7, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Linda E. Horner has been revoked by the assignee of the patent application on June 26, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

David Bucci
Petitions Examiner
Office of Petitions

cc: **Caliper Life Sciences, Inc.**
Fairchild Drive
Mountain View, CA 94043-2234

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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MAR 15 2010

In re Patent No. 7,596,086	
Wang et al.	DECISION ON REQUEST FOR
Issue Date: September 29, 2009	RECONSIDERATION OF
Application No. 10/702,152	PATENT TERM ADJUSTMENT
Filed: November 5, 2003	AND NOTICE OF INTENT
Attorney Docket No. 08-1293	TO ISSUE CERTIFICATE OF
Title: METHOD OF AND APPARATUS FOR VARIABLE LENGTH DATA PACKET TRANSMISSION WITH CONFIGURABLE ADAPTIVE OUTPUT SCHEDULING ENABLING TRANSMISSION ON THE SAME TRANSMISSION LINK(S) OF DIFFERENTIATED SERVICES FOR VARIOUS TRAFFIC TYPES	CORRECTION

This is a decision on the petition filed on October 13, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred sixty (1260) days. Pursuant to their duty of candor and good faith to the Office, an additional period of reduction of 162 days[1] has been included in the Office's calculations.

[1] Patentees have indicated that an additional reduction may be required because a supplemental reply was submitted on June 12, 2008. A review of the record confirms that a 162 day reduction pursuant to 37 CFR 1.704 (c)(8) is required for the submission of a supplemental reply after the initial reply to the non-final Office action was submitted on January 2, 2008. The 162-day reduction is calculated beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply was filed.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand ninety-seven (1097) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on November 6, 2006 and ends on August 20, 2008, the day before the RCE was filed, and is 654 (not 655) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 1259, not 1260 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand ninety-seven (1097)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,596,086 B2

DATED : **September 29, 2009** **DRAFT**

INVENTOR(S) : Wang et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 949 days

Delete the phrase "by 949 days" and insert – by 1097 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Xiaolin Wang	: DECISION ON REQUEST FOR
Patent Number	: 7596086	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,152	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1407** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/702,156	11/05/2003	2881	982	10011.001210 (P0980)	11	27	4

CONFIRMATION NO. 7297

CORRECTED FILING RECEIPT

31894
OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE, CA 95164

OC000000012059739

Date Mailed: 03/11/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

David L. Adler, San Jose, CA;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/453,178 03/10/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/03/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Multi-pixel and multi-column electron emission inspector

Preliminary Class

250

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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MAY 17 2005

TECHNOLOGY CENTER 3600

AKERMAN SENTERFITT
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188

In re application of:
Candee Weitzman
Application No. 10/702,172
Filed: November 4, 2003
For: PURSE HOLDER

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on April 4, 2005, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

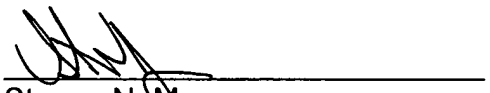
B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions A) and B) above.

As to condition A), the attorneys associated with Customer No. 30448 do not correspond with those named in the Power of Attorney in the declaration thereby creating confusion as to who is withdrawing. To alleviate this problem, it is suggested that the request be resubmitted and that such request specifically state that the signing attorney is signing on behalf of all attorneys of record in this application.

As to condition B), the reason "Irreconcilable Differences" is not appropriate since it is not clear that the client is aware of this, or that the client knowingly or freely assents to the withdrawal of attorney. A proper reason for withdrawal is enumerated in 37 CFR 10.40(b) subsections (1)–(4) or subsections (1)–(6) of 37 CFR 10.40(c) must be provided.



Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/dew: 5/10/05

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& ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

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OCT 26 2007

OFFICE OF PETITIONS

In re Application of

Numminen, et al. :

Application No. 10/702,217 : DECISION ON PETITION

Filed: November 4, 2003 :

Attorney Docket No. 944-003.160-1

This is a decision on the petition under 37 CFR 1.137(b), filed January 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to file a proper reply in a timely manner to the final Office action mailed June 9, 2006, which set a shortened statutory period for reply of three (3) months from its mailing date. A response was filed on July 27, 2006. An Advisory Action mailed September 7, 2006, advised petitioner that the response of July 27, 2006, failed to place the application in condition for allowance. No further responses were filed within the allowable period. The application became abandoned on September 10, 2006. A Notice of Abandonment was mailed on January 23, 2007.

Examiner Emem Stephen has determined that the amendment filed January 31, 2007, places the application in condition for allowance.

The application is being forwarded to Technology Center 2600, GAU 2617 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Tianxin Wang
14218 Autumn Gold Road
Boyds MD 20841

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Shazhou Zou, et al. :
Application No. 10/702,241 : ON PETITION
Filed: November 6, 2003 :
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed September 3, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 4, 2008. The Notice of Abandonment was mailed July 9, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

The statement of delay is not acceptable. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states:

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the other applicant has not given the one signing a power of attorney.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Tianxin Wang) was ever given a power of attorney to act on behalf of all inventors listed, or that petitioner Tianxin Wang is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:
Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand:
U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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Tianxin Wang
14218 Autumn Gold Road
Boyds MD 20841

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OCT 15 2009

OFFICE OF PETITIONS

In re Application of
Shazhou Zou, et al.
Application No. 10/702,241
Filed: November 6, 2003

ON PETITION
CORRECTED DECISION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The decision that was mailed September 28, 2009 was mailed and decided in error and is therefore **VACATED**. This decision corrects the previous decision.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of September 3, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is December 4, 2008. The Notice of Abandonment was mailed July 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $405; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 3744 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Terri Johnson
Petitions Examiner
Office of Petitions

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GERARD MOY
1608 DANUBE LN
PLANO, TX 75075

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AUG 2 1 2006

OFFICE OF PETITIONS

In re Application of :
Gary D. Schmidt :
Application No. 10/702,245 : DECISION ON PETITION
Filed: November 6, 2003 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2006.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Gerard E. Moy has been revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

There is an outstanding Office action mailed May 25, 2006 that requires a reply from the applicant.

The correspondence address of record remains unchanged, which is the address indicated below.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272- 3210.

Amelia Au
Petitions Examiner
Office of Petitions

cc: Robert Wise, Jr.
14908 Bellbrook Drive
Dallas, TX 75254

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

5/29/07

Robert Wise, Jr.
14908 Bellbrook Drive
Dallas TX 75254

In re Application of:
SCHMIDT, GARY D.
Serial No.: 10/702,245
Filed: Nov. 6, 2003
Docket: N/A
Title: CEILING MOUNTED FAN VENTILATION DEVICE

DECISION ON PETITION TO WITHDRAW FINALITY OF THE FINAL OFFICE ACTION

This is a decision on the petition filed Feb. 6, 2007 to withdraw the finality of the final Office action mailed May 25, 2006 and that the application be revived from abandonment.

The petition is **DISMISSED AS UNTIMELY**.

In the Feb. 6, 2007 petition, the petitioner requested withdrawal of the final Office action of May 25, 2006 because claim 18 was not treated on the merits.

The record shows that:

1) On Feb. 2, 2006, the examiner issued a non-final Office action rejecting claims 1, 3-12 and 14-17 and objecting to claims 2, 13 and 18.
2) On Feb. 27, 2006, the petitioner filed a response including an amendment to claims 1 and 10 and canceled claims 8 and 9. Claim 18 was designated "(Original)" on page 5 of the amendment. However, on page 8 of the response, under the remarks section, petitioner states "Thus, claims 1-7, and 10-17 remain in the application of which are the only independent claims."
3) On May 25, 2006, the examiner issued a final Office action. On page 5 of the final Office action, the examiner states with respect to claim 18 that "It is unclear whether or not this claim should now be cancelled and therefore has not been addressed by the examiner."
4) On Aug. 29, 2006, the petitioner filed a request for clarification letter and requested that a new action be issued to include claim 18.
5) On Dec. 6, 2006, the examiner issued a notice of abandonment for petitioner's failure to file a proper reply to the Office action mailed May 25, 2006.

6) On Feb. 6, 2007, the petitioner filed the current petition requesting that the final Office action of May 25, 2006 be withdrawn, a new Office action be issued, and that the application be revived.

Applicable Rules or Statutes

37 CFR 1.181(f):

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

Relevant portions of MPEP 710.06 Situations When Reply Period Is Reset or Restarted [R-3] states:

> If the error in citation or other defective Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The Office letter correcting the error will note that the time period for reply remains as set forth in the previous Office action.

Discussion and Analysis

A review of the record shows that the instant petition was filed more than eight months after the mailing date of the final Office action of May 25, 2006. Pursuant to 37 CFR 1.181(f), the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the relief requested will not be granted.

It appears that the examiner has considered the existence of claim 18 and requested clarification from applicant in the final Office action whether claim 18 was cancelled or not. Three months later, after the period for reply had already expired, applicant filed a request for clarification letter requesting that the examiner treat claim 18. However, according to MPEP 710.06, if the error in the Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The petitioner did not file appropriate extension fees or a timely reply under 37 CFR 1.113(a) to the final rejection. Therefore, the application became abandoned on Aug. 26, 2006.

Conclusion

In view of the record, the issuance of the notice of abandonment on Dec. 6, 2006 is proper. Petitioner's request to have the final Office action dated May 25, 2006 is dismissed as untimely.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled

"Renewed Petition under 37 CFR 1.181". Alternatively, applicant may wish to consider filing a petition to revive under 37 CFR 1.137. The rules and MPEP sections cited may be found on the USPTO website at: www.uspto.gov <http://www.uspto.gov/>.

The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3749 for further processing. Any inquiry regarding this decision should be directed to Marc Jimenez, Training Quality Assurance Specialist, at (571) 272-4530 or Henry Yuen, Special Program Examiner, at (571) 272-4856.

PETITION DISMISSED

Frederick R. Schmidt, Director
Technology Center 3700

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ROBERT WISE, JR.
14908 BELLBROOK DRIVE
DALLAS TX 75254

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APR 10 2008

OFFICE OF PETITIONS

In re Application of :
Gary D. Schmidt :
Application No. 10/702,245 : DECISION ON PETITION
Filed: November 6, 2003 :
For: CEILING MOUNTED FAN :
VENTILATION DEVICE :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely to the Final Rejection mailed May 25, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an appeal, (2) the petition fee of $750, and (3) an adequate statement of unintentional delay.
The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3749 to consider the reply received August 9, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:

ROBERT E. WISE
2011 TEASBEND LANE
ALLEN TX 75002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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OFFICE OF PETITIONS

Colgate-Palmolive Company
909 River Road
P.O. Box 1343
Piscataway NJ 08855-1343

In re Application of :
Myriam Mondin et al. :
Application No. 10/702,276 : DECISION ON PETITION
Filed: November 6, 2003 : UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: F1587 :
Title: LIQUID CLEANING :
COMPOSITION CONTAINING AN :
ANIONIC POLYACRYLAMIDE :
COPOLYMER :

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on February 7, 2006.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed August 25, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue fees or publication fees[2]. Accordingly, the above-identified application became abandoned on November 26, 2005.

---

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) the petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

With the present petition, Petitioner has submitted the petition fee, the publication fee, the issue fee, and the proper statement of unintentional delay.

As such, the petition is **GRANTED**.

The phone number for the Office of Patent Publication is (571) 272-4200. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay[3]. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, petitioner must notify the Office.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: BULLOCK,KRISTYNE
Colgate-Palmolive Company
300 Park Avenue
New York, New York 10022

3 See 37 CFR 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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101 COLUMBIA ROAD
P.O. BOX 2245
MORRISTOWN, NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of :
Dan Tyroler :
Application No. 10/702,290 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. H0005391 (16881) :

This is a decision on the petition under 37 CFR 1.137(b), filed on August 28, 2006, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed August 24, 2005. A Notice of Abandonment was mailed on March 31, 2006.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2612, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Seth Weinfeld
Scully, Scott, Murphy & Presser, PC
400 Garden City Plaza, Suite 300
Garden City, NY 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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SEP 21 2006

OFFICE OF PETITIONS

Foley and Lardner LLP
Suite 500
3000 K Street NW
Washington D.C. 20007

In re Application of :

Ranjan Perera et al. :
Application No. 10/702,319 : DECISION ON PETITION
Filed: November 6, 2003 : TO WITHDRAW
Attorney Docket No. 11000.1036c5 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 2006.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard C. Peet on behalf of all attorneys of record who are associated with Customer No. 22428.

All attorneys/agents associated with the Customer No. 22428 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **Ranjan Perera**
6574 Scaup Street
Carlsbad, CA 92009

cc: **Cooley Godward LLP**
The Bowen Building
875 15th Street, NW
Washington, DC 20005

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3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

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JUL 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Larry R. Cox :
Application No. 10/702,330 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 58950US002 :

This is a decision on the petition, filed July 1, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 3, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2839 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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3M INNOVATIVE PROPERTIES COMPANY
P O BOX 33427
ST. PAUL, MN 55133-3427

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OFFICE OF PETITIONS

In re Application of	:	
Larry R. Cox	:	
Application No. 10/702,330	:	DECISION GRANTING PETITION
Filed: November 6, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 58950US002	:	

This is a decision on the petition, filed November 10, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 12, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2839 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b) (along with any balance due or the amount due at the time of payment), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* **must** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER
FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of	:	
Ciavarella, Nick E.	:	
Application No. 10/702,334	:	ON PETITION
Filed: November 6, 2003	:	
Attorney Docket No. GOJ.P.0095	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the undersigned at (703) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to (571) 272-3206.

This matter is being referred to Technology Center 3700 for further examination on the merits.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 25, 2007

TO SPE OF : ART UNIT 3635

SUBJECT : Request for Certificate of Correction for Appl. No. 10/702339 patent no. 7165360

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image.. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: CORRECTION IS PROPER. BK

SPE

3635
Art Unit

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JUL 0 3 2008

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of :
Charles Watts :
Application No. 10/702,356 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. TI-37346 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 14, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 15, 2007.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2121 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Mirna Abyad
7839 Churchill Way, Mail Station 3999
Dallas, TX 75251

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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Paper No. None

William R. McClellan
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210

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AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of
Ravi Pratap Singh, Thang M. Tran, Srikanth Kannan, and Deepa Duraiswamy
Application No. 10/702,363
Filed: November 6, 2003
Attorney Docket No. A0312.70461US00
Title: METHODS AND APPARATUS FOR SETTING UP HARDWARE LOOPS IN A DEEPLY PIPELINED PROCESSOR

DECISION ON PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the petition under 37 C.F.R. §1.47(a)[1], filed May 10, 2004.

On November 6, 2003, the application was deposited, identifying Ravi Pratap Singh, Thang M. Tran, Srikanth Kannan, and Deepa Duraiswamy as joint inventors. The application was deposited without a fully executed oath or declaration. On February 5, 2004, a "Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of $130.00 were required. This Notice set a two-month period for reply.

1A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 CFR §1.63.

On May 10, 2004, petitioner submitted a copy of the declaration[2], a one-month extension of time, the instant petition, the associated fee, the surcharge, copies of several letters, and a statement of facts.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a).

The petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

2 The declaration submitted with the instant petition was executed by each of the joint inventors save joint inventor Tran.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

William R. McClellan
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210

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AUG 0 9 2004

OFFICE OF PETITIONS

In re Application of
Ravi Pratap Singh, Thang M. Tran, Srikanth Kannan, and Deepa Duraiswamy
Application No. 10/702,363

Filed: November 6, 2003
Attorney Docket No. A0312.70461US00
Title: METHODS AND APPARATUS FOR SETTING UP HARDWARE LOOPS IN A DEEPLY PIPELINED PROCESSOR

CORRECTED DECISION ON PETITION UNDER 37 C.F.R. §1.47(A)

On August 5, 2004, a decision was mailed which granted the petition under 37 C.F.R. §1.47(a) which was filed May 10, 2004.

In the letter to the non-signing inventor which accompianied the decision, there was a typographical error which listed the incorrect attorney of record.

A corrected letter has been enclosed, as well as mailed to the joint inventor. The Office regrets this error.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Thang M. Tran
1113 Elder Circle
Austin, TX 78733

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AUG 0 9 2004
OFFICE OF PETITIONS

In re Application of
Ravi Pratap Singh, Thang M. Tran, Srikanth Kannan, and Deepa Duraiswamy
Application No. 10/702,363
Filed: November 6, 2003
Attorney Docket No. A0312.70461US00
Title: METHODS AND APPARATUS FOR SETTING UP HARDWARE LOOPS IN A DEEPLY PIPELINED PROCESSOR

LETTER

Dear Mr. Tran:

On August 5, 2004, a letter was mailed to you which erroneously listed the incorrect attorney of record. Please disregard that mailing.

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

cc: William R. McClellan
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581415
MINNEAPOLIS, MN 55458

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MAR 15 2005

OFFICE OF PETITIONS

In re Application of :
Marc S. Gorans :
Application No. 10/702,370 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 294.0016 0101 :

This is a decision on the petition, filed March 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 26, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3643 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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APR 0 6 2006

OFFICE OF PETITIONS

PATRICK G. BURNS
GREER, BURNS & CRAIN, LTD.
SUITE 2500
300 SOUTH WACKER DRIVE
CHICAGO IL 60606

In re Application of :
Masahiro Ikeda et al :
Application No. 10/702,374 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 1508.63599 :

This is a decision on the petition, filed April 5, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 27, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2871 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

BEST AVAILABLE COPY

10/702374

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/12/2007

TO SPE OF : ART UNIT 2800 (2871)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,139,061

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file ***(PFW)**, within 7 days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** or forward ***(IFW)** to scanning using document code **COCX**.

***ok to delete last inventor as req. in COCIN?**

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

_____ 2871

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

FREDERICK D. KIM
1430 NEWFOUNDLAND DRIVE
SUNNYVALE, CA 94087

COPY MAILED

MAR 1 0 2004

OFFICE OF PETITIONS

In re Application of :
Darren C. Kim :
Application No. 10/702,382 : NOTICE
Filed: November 4, 2003 :
Attorney Docket No. 077040-0001-C

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 2875.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/702,388	11/05/2003	3752	896	3177 P 477	3	27	1

CONFIRMATION NO. 8377

CORRECTED FILING RECEIPT

OC000000012524771

26851
ROBERT W. DIEHL
311 S. WACKER DRIVE
53RD FLOOR
CHICAGO, IL 60606-6622

Date Mailed: 05/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Randy Golden, Ada, OK;

Domestic Priority data as claimed by applicant

This application is a CON of 09/966,996 09/28/2001 PAT 6,719,552

Foreign Applications

If Required, Foreign Filing License Granted: 02/03/2004

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

Apparatus for forming rolled lips on thermoplastic containers

Preliminary Class

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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March 15, 2010

Michael W. Ferrell, Esq.
Ferrells, PLLC
P.O. Box 312
Clifton, VA 20124-1706

Patent No.: 7,300,547 B2
Application No.: 10/702,414
Inventor(s): Phuong V. Luu, et al.
Issued: November 27, 2007
Title: **ABSORBENT SHEET EXHIBITING RESISTANCE TO MOISTURE PENETRATION**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid,* including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
571- 272-0460 (voice)
571-270-9892 (fax)

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 28 2007

OFFICE OF PETITIONS

KEVIN L. MORGLES
4104 COUNTRY DRIVE
BOURG, LA 70343-3500

In re Application of
Kevin L. Morales, et al.
Application No. 10/702,423
Filed: November 6, 2003
Attorney Docket No. MORAKGUIDJ3 /UT1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed May 18, 2007.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before October 20, 2006. A Notice of Abandonment was mailed on November 29, 2006. On May 18, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $700 issue fee and the $300 publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The application is being referred to Publishing Division to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE Gulakowski

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/702,428

Paper No.: _____

DATE : 3/23/06

TO SPE OF : ART UNIT 1712

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/702,428 Patent No.: 6995225

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Randy Gulakowski

RANDY GULAKOWSKI
~~SUPERVISORY PATENT EXAMINER~~
TECHNOLOGY CENTER 1700

SPE 1712 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 14, 2007

TO SPE OF : ART UNIT 3611

10/702474

SUBJECT : Request for Certificate of Correction on Patent No.: 7143534 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Leslie D Morris — 3611

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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FOLEY & LARDNER, LLP
3000 K STREET NW, SUITE 500
WASHINGTON, DC 20007

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AUG 0 7 2008

OFFICE OF PETITIONS

In re Application of :
YADAV, Tapesh :
Application No. 10/702,484 : DECISION ON PETITION
Filed: November 7, 2003 : TO WITHDRAW
Attorney Docket No. 037768-0103 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2008.

The request is DISMISSED as moot.

A review of the file record indicates that the power of attorney to FOLEY & LARDNER, LLP has been revoked by the assignee of the patent application on May 21, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: PPG INDUSTRIES, INC.
INTELLECTUAL PROPERTY DEPT
ONE PPG PLACE
PITTSBURGH, PA 15272

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA VA 22320

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AUG 07 2006

OFFICE OF PETITIONS

In re Application of :
Sasaki, et al. :
Application No. 10/702,512 : ON PETITION
Filed: November 7, 2003 :
Attorney Docket No. 117707 :
For: THIN-FILM MAGNETIC HEAD AND METHOD OF MANUFACTURING SAME

This is a decision on the petition under 37 CFR 1.181, filed July 21, 2006, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit the issue fee and publication fee in response to the March 7, 2006 Notice of Allowance and Fee(s) Due, which set a three month non-extendable period for reply. No reply being received, the Office contended that this application became abandoned on June 8, 2006. The filing of the present petition precedes the mailing of a Notice of Abandonment.

Petitioners allege that the March 7, 2006 Notice was not received until July 14, 2006, after the June 7, 2006 due date for payment of the issue fee and publication fee.

A review of the record indicates an irregularity in the mailing of the March 7, 2006 Notice. The March 7, 2006 Notice of Allowance and Fee(s) Due and the Notice of Allowability were returned to sender on March 8, 2006. The communications were not properly delivered to the applicants at the correspondence address of record.

Petitioners have submitted a copy of two docket records where the requirement would have been entered had the March 7, 2006 Notice been received. In addition, practitioner referenced the docket records in the petition.

Petitioners have established non-receipt. The petition is **granted** and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to Technology Center AU 2652 for the re-mailing of the March 7, 2006 Notice of Allowance and Fee(s) Due and Notice of Allowability with a new period set for reply.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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P.O. BOX 1450
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MACPHERSON KWOK CHEN & HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110

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JUN 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Feng-Hong Zhang, et al. :
Application No. 10/702,527 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. M-15152 US :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed February 9, 2007.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before December 29, 2006. A Notice of Abandonment was mailed on January 29, 2007. On February 9, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $1,400 issue fee and the $300 publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ARTHUR FREILICH
9045 CORBIN AVENUE, #260
NORTHRIDGE, CA 91324-3343

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OFFICE OF PETITIONS

In re Application of
Alfred E. Mann et al
Application No. 10/702,565
Filed: November 5, 2003
Atty Dkt No. AB-357P;MB-103; 203/526

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition, filed May 2, 2006, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to satisfy item (1) above. In this regard, the amendment, as worded, is improper since it states that "the present application claims the benefit of U.S. Provisional Applications 60/424,912 filed 11/08/2002, 60/327,099 filed 10/03/01 and 60/327,071 filed 10/03/2001." While the present application can directly claim benefit to provisional Application No. 60/424,912, since it was filed within 12 months of the filing date thereof, it cannot directly claim benefit to provisional Application Nos. 60/327,099 and 60/327,071, as the present application was not filed within 12 months of the filing dates of these latter provisional

applications. However, a claim for benefit of priority may be claimed through intermediate Application No. 10/264,937 as this application was filed within twelve months of provisional Application Nos. 60/327,099 and 60/317,071.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a proper amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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ARTHUR FREILICH
9045 CORBIN AVENUE, #260
NORTHRIDGE, CA 91324-3343

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OFFICE OF PETITIONS

In re Application of :
Alfred E. Mann et al :
Application No. 10/702,565 : DECISION ON PETITIONS
Filed: November 5, 2003 : UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Atty Dkt No. AB-357P;MB-103; 203/526 :

This is a decision on the renewed petition, filed July 13, 2006, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2643 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § §120 and 119(e) to the prior-filed nonprovisional and provisional applications.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/702,565	11/05/2003	2615	936	AB-357P; MB-103; 203/526	7	22	3

CONFIRMATION NO. 8737

27224
ARTHUR FREILICH
9045 CORBIN AVE, #260
NORTHRIDGE, CA 91324-3343

CORRECTED FILING RECEIPT

OC000000019732610

Date Mailed: 07/24/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Alfred E. Mann, Beverly Hills, CA;
Albert S. Maltan, Sistrans, AUSTRIA;
Yitzhak Zilberman, Santa Clarita, CA;
Byron L. Moran, Santa Barbara, CA;
Ronald J. Lebel, Sherman Oaks, CA;

Power of Attorney:

Arthur Freilich--19281
Robert Hornbaker--19965
Leon Rosen--21077
Timothy Tyson--28915

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/424,912 11/08/2002
and is a CIP of 10/264,937 10/03/2002 PAT 6,879,695
which claims benefit of 60/327,099 10/03/2001
and claims benefit of 60/327,071 10/03/2001

Foreign Applications

If Required, Foreign Filing License Granted: 02/05/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/702,565

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Implanted outer ear canal hearing aid

Preliminary Class

381

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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WILLIAM R. DUBRUL
P.O. BOX 246
REDWOOD CITY CA 94064

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OFFICE OF PETITIONS

In re Application of :
William R. Dubrul :
Application No. 10702611 : DECISION ON PETITION
Filed: 11/07/2003 :
Attorney Docket No. 021016-1 :

This is a decision on the petition filed on October 31, 2007, under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 6, 2006, for failure to submit a timely response to the Notice of Allowance and Fee(s) Due mailed on September 5, 2006, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on March 5, 2007.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be mailed. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Receipt of the issue fee and petition fee is acknowledged.

The publication fee will be charged to counsel's deposit account as authorized on the Fee(s) Transmittal filed with the present petition.

The application is referred to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

JAMES F. HANN
HAYNES BEFFEL & WOLFELD LLP
PO BOX 366
HALF MOON BAY CA 94019

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[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

APR 13 2005

In re Application of: SCHAAR ET AL.
Application No. 10/702,648
Filed: 11/07/03
Attorney Docket No. **081468-0306749**

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR δ 1.313

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR δ 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 11/12/2004, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Judy Nguyen at (571) 272-2258.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

Howard Goldberg, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6930603
Issue Date: August 16,2005
Application No. 10702716
Filed: November 6,2003
Attorney Docket No. 4851.001

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed October 20,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of October 20,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6930603	2005-08-16	10702716	2003-11-06	14851.7801

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/david p lhota/	Date (YYYY-MM-DD)	2009-10-20
Name	David P. Lhota	Registration Number	39275

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 0506

DATE : 02/14/06

TO SPE OF : ART UNIT **1761**

SUBJECT : Request for Certificate of Correction on Patent No.: 10/702718 6916496

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Angela Green
Certificates of Correction Branch
Tel. No. 703-305-9380 ext. 123

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments:

MILTON I. COOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

LESLIE WONG
PRIMARY EXAMINER

SPE — **Art Unit** 1761

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.
215 W. FALLBROOK AVENUE
SUITE 203
FRESNO, CA 93711

Mail Date: 04/21/2010

Applicant	: Winston Lee	: DECISION ON REQUEST FOR
Patent Number	: 7571287	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,744	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1037** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

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MAR 2 3 2005

OFFICE OF PETITIONS

In re Application of :
K. Nishiuchi, et al. :
Application No. 10/702,750 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. YAO-3081US3 :

This is a decision on the petition, filed March 21, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2655 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 18 2005

In re Application of Starla Paulsen, et al. Serial No. 10/702,758 Filed: November 6, 2003 For WHEY PROTEIN COMPOSITIONS AND METHODS OF MAKING AND USING SUCH COMPOSITIONS	: : : : : : :	ap DECISON ON PETITION

This is in response to the petition filed August 6, 2004 requesting that the above-identified application be granted Special Status under Section 708.02 (VIII) of the MPEP.

The petition has been found to be deficient for the following reason: Section 708.02, VIII(C) requires that a pre-examination search be made; this search should cover all areas searchable by the examiner. However, our review shows that Class 530, Subclass 833, Class 426, Subclass 656, and Class 424, Subclasses 157.1, 535 should have been searched.

Accordingly, the petition is **DENIED**.

William Krynski, Special Program Examiner
Technology Center 1700
Chemical and Materials Engineering

BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-07-09

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/702777 Patent No.: 7282623

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

A Green

Angela Green 703-756-1541

Certificates of Correction Branch

703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: The amendment to the specification adds application number 08/366,779 to the continuity data. However, priority to this application was not previously requested and is not indicated in the oath

[signature] 1638

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : December 4, 2009

Patent No. :7282623
Inventor :Terry L. Thomas
Patent Issued :October 6, 2007
Title :PRODUCTION OF GAMMA LINOLENIC ACID BY A Δ6-DESATURASE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 37 CFR 1.323.

Inspection of the application for the patent reveals that in connection with the alleged error pertaining to the inclusion of related application data on the Letters Patent; the requested application 08/366779 was not previously requested and is not indicated in the Oath. Accordingly, it is determined that the Letters Patent with regard to applicants request is printed in accordance with the records within the Patent and Trademark, office.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 756-1541.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 756-1580 or (703) 756-1541

Scully, Scott, Murphy & Presser P.C.
400 Garden City Plaza, Suite 300
Garden City, NY 11530

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Patent No. 7,282,623
Issue Date: October 16, 2007
Application No. 10/702,777
Filed: November 6, 2003
Attorney Docket No. 8383ZYXWVUAB

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition, filed April 27, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 08/366,779, filed December 30, 1994, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed April 27, 2010. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/702,777	11/06/2003	1638	2934	8383ZYXWVUAB	15	4

CONFIRMATION NO. 9777

CORRECTED FILING RECEIPT

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

OC000000042631512

Date Mailed: 07/19/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Terry L. Thomas, College Station, TX;

Power of Attorney:
Leopold Presser--19827

Domestic Priority data as claimed by applicant

This application is a DIV of 09/685,775 10/10/2000 PAT 6,683,232
which is a DIV of 08/934,254 09/19/1997 PAT 6,355,861
which is a CIP of 08/789,936 01/28/1997 PAT 5,789,220
which is a CON of 08/366,779 12/30/1994 PAT 5,614,393
which is a CIP of 08/307,382 09/14/1994 PAT 5,552,306
which is a CON of 07/959,952 10/13/1992 ABN
which is a CIP of 07/817,919 01/08/1992 ABN
which is a CIP of 07/774,475 10/10/1991 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 12/22/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/702,777**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PRODUCTION OF GAMMA LINOLENIC ACID BY A DELTA 6-DESATURASE

Preliminary Class

800

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAN 26 2006

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re application of	:	**DECISION ON PETITION**
Akira Fujibayashi	:	**TO MAKE SPECIAL**
Application No. 10/702,791	:	**(ACCELERATED**
Filed: November 05, 2003	:	**EXAMINATION)**
For: APPARATUS AND METHOD OF HEARTBEAT MECHANISM USING REMOTE MIRRORING LINK FOR MULTIPLE STORAGE SYSTEM		

This is in response to the petition filed on January 05, 2006 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and (E) a detailed discussion of how the claimed subject matter is patentable over the references in accordance with 37 CFR 1.111 (b) and (c).

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED.**

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/pav: 01/24/06

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JOHN W. WUSTENBERG
P.O. BOX 1431
DUNCAN, OK 73536

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MAR 2 8 2007

OFFICE OF PETITIONS

In re Application of :
Lyle V. Lehman, et al. :
Application No. 10/702,799 : DECISION ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 2003-IP-010721U1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 24, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed July 24, 2006. Accordingly, the date of abandonment of this application is October 25, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400 and the publication fee of $300, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Publishing Division for processing into a patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,806	11/06/2003	Taisuke Hirooka	60303.36	9584

54070 7590 06/08/2009

HITACHI METALS, LTD.
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER	
GEORGE, PATRICIA ANN	

ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
06/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Mailed: JUN 08 2009
In re application of: HIROOKA, T.

Serial No. 10/702,806 : DECISION ON
Filed: November 06, 2003 : PETITION
For: SiC SUBSTRATE AND METHOD OF MANUFACTURING THE SAME

This is a decision on the PETITION UNDER 37 CFR 1.181(a)(3) TO INVOKE THE DIRECTOR'S SUPERVISORY AUTHORITY mailed March 30, 2009.

The petition requests that the Director use supervisory authority to direct the Examiner to either: 1) allow the instant application; or 2) forward the Appeal so that it may be decided by the Board of Patent Appeals and Interferences, in order to expedite the prosecution of the instant application.

Office Actions have been issued on July 28, 2005, March 1,2006, May 3, 2007, December 11,2007, and October 3, 2008. Applicant has filed responses to these Office Actions on November 28, 2005, March 21, 2007, April 23, 2007, October 3, 2007, and July 10, 2008. An Appeal Brief was filed on July 10, 2008. In response, the Office withdrew the outstanding prior art rejections and issued the non-final action of October 3, 2008. A second Appeal Brief has been filed concurrent to the petition on March 30, 2009.

DECISION
37 CFR § 1.181(a)(3) Petition to the Director.

The Petition is **GRANTED**.

To advance prosecution of this application, the USPTO will either: 1) allow the instant application; or 2) forward the concurrently filed Appeal Brief with an Examiner's Answer so that it can be decided by the Board of Patent Appeals and Interferences.

Gregory L Mills, Acting Director
Technology Center 1700
Chemical and Materials Engineering

KEATING & BENNETT, LLP

1800 Alexander Bell Drive, Suite 200
Reston, VA 20191

Telephone: (571) 313-7440
Facsimile: (571) 313-7421

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Brooks Kushman P.C.
1000 Town Center
Twenty-Second Floor
Southfield, MI 48705

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MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of :

Y Ding :
Application No. 10/702,813 : DECISION ON PETITION
Filed: November 6, 2003 : TO WITHDRAW
Attorney Docket No. DIY 0101 PUS : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2006

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Marc F. Malooley on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Yi Ding at the address indicated below.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Yi Ding**
208 Queen Anne Drive
Canton, MI 48187

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/702,813	11/06/2003	Yi Ding	DIY 0101 PUS

CONFIRMATION NO. 9570

OC000000023631937

OC000000023631937

22045
BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

Date Mailed: 05/02/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/16/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Jerri S. Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 031605

RANDY J. PRITZKER
WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210

APR - 5 2005

In re Application of:
RICAHRD R. BIIJANI et al.
Application No. 10/702,814
Filed: November 6, 2003
Attorney Docket No. L0632.70001US01

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed June 21, 2004, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item XI: Inventions for Counter Terrorism.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P., Section 708.02, Item XI, must be accompanied by the petition fee under 37 C.F.R. 1.17(h) and a statement explaining how the invention contributes to countering terrorism.

The petition is DISMISSED.

The petition does not contain the required statement explaining how the invention contributes to countering terrorism.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision.

Inquiries regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA PA 15051

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SEP 22 2008

OFFICE OF PETITIONS

In re Patent No. 7,220,269
Issue Date: May 22, 2007
Application No. 10/702,815
Filed: November 6, 2003
Attorney Docket No PS/08-030

ON PETITION

This is a decision on the petition, filed July 15, 2008, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on July 15, 2008. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA PA 15051

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DEC 17 2008

In re Patent No. 7,220,269 :
Issue Date: May 22, 2007 :
Application No. 10/702,815 : DECISION GRANTING PETITION
Filed: November 6, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. PS/08-030 :

This is a decision on the petition, filed October 1, 2008, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen-months after filing. *See* 37 CFR 1.137(f).

The petition under 37 CFR 1.137(b) is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 2, 2004. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country. Therefore, pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed to timely notify the USPTO of the filing of a counterpart application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

This application matured into Patent No. 7,220,269 on May 22, 2007. Therefore, no further action being required, this patented file is being forwarded to Files Repository.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petition Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

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NOV 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Niels Frederiksen	:	
Application No. 10/702,831	:	NOTICE
Filed: November 6, 2003	:	
Attorney Docket No. MOD-0054	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH CA 92660

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AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of	:	
Meehan, et al.	:	
Application No. 10/702,835	:	DECISION ACCORDING STATUS
Filed: November 5, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 158680-0003	:	
For: Multiple Level Raid	:	
Architecture	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 20, 2004. Petitioner obtained a two (2) month extension of time to respond. Accordingly, the petition is filed timely.

The petition is granted.

Petitioner has shown that Garrick Yeung, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the Declaration of Facts of Thomas Meehan establishes that the inventor was presented with the application papers, including the specification, claims and drawings, but he refused to sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2100.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Garrick Yeung
PO Box 1132
Cupertino, CA 95015

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AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Meehan, et al. :
Application No. 10/702,835 : LETTER
Filed: November 5, 2003 :
Attorney Docket No. 158680-0003 :
For: Multiple Level Raid :
Architecture :

Dear Mr. Yeung:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH CA 92660

OK TO ENTER: /J.A.W./

09/01/2009

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,158,353

APPLICATION NO.: 10/702,843

ISSUE DATE : January 2, 2007

INVENTOR(S) : Xue; Song S. (Edina, MN), Anderson; Paul E. (Eden Prairie, MN), Kautzky; Michael C. (Eagan, MN), Tang; Xuefei (Eden Prairie, MN), Ryan; Patrick J. (St. Paul, MN)

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1, line 7, delete "a first specular layer positioned upon a sidewalls" and insert --a first specular layer positioned on one of the sidewalls--.

In claim 16, line 7, delete "a first specular layer positioned upon a sidewalls" and insert --a first specular layer positioned on one of the sidewalls--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Nathaniel P. Longley, THE KINNEY & LANGE BUILDING
312 South Third Street, Minneapolis, MN 55415-1002

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090902

DATE : September 3, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7158353

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: /Andrea L. Wellington/ **Art Unit** 2627

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

COPY MAILED

JAN 13 2009

OFFICE OF PETITIONS

In re Application of :
Gilbert R. Gonalez, et al. :
Application No. 10/702,893 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. PEDI-17 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 18, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of February 14, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Since the amendment submitted does not prima facie place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). Accordingly, the date of abandonment of this application is May 15, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $525 extension of time fee submitted with the petition on September 18, 2008

was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642

This application is being referred to Technology Center AU 3767 processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

April M. Wise
Petitions Examiner
Office of Petitions

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MAILED

MAR 28 2006

Group 3700

M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, New Mexico 87111

In re Application of: KRAMER
Appl. No.: 10/702,905
Filed: November 5, 2003
For: COMBUSION CHAMBER, PARTICULARLY: FOR VEHICLE HEATING DEVICE

: DECISION ON PETITION

This is a decision on the petition filed on March 6, 2006 by which petitioners request acceptance of a duplicate paper. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

On October 19, 2005 a Final Office Action was issued in the instant file. An amendment under 37 CFR 1.116 was allegedly filed by petitioner on November 23, 2005. This paper was not received by the Office, nor did petitioner receive a return postcard acknowledging receipt of the paper. Petitioner has submitted an evidentiary copy of the November 23, 2005 submission which includes a certificate of mailing under 37 CFR 1.8. Petitioner has also included a statement attesting to the timely mailing of the correspondence. Based upon this evidence, the duplicate paper is accepted. The file will be forwarded to the examiner of record for consideration of the November 23, 2005 amendment under 37 CFR 1.116. The amendment will be treated as though it was filed within two months from the date of the Final Rejection.

PETITION GRANTED

Karen M. Young

Karen Young, Director
Technology Center 3700

RECEIVED
CENTRAL FAX CENTER
APR 0 5 2006

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MAILED

MAR 23 2006

GROUP 3700

M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque, New Mexico 87111

In re Application of: KRAMER
Appl. No.: 10/702,905
Filed: November 5, 2003
For: COMBUSION CHAMBER, PARTICULARLY: FOR VEHICLE HEATING DEVICE

: DECISION ON PETITION

This is a decision on the petition filed on March 6, 2006 by which petitioners request acceptance of a duplicate paper. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

On October 19, 2005 a Final Office Action was issued in the instant file. An amendment under 37 CFR 1.116 was allegedly filed by petitioner on November 23, 2005. This paper was not received by the Office, nor did petitioner receive a return postcard acknowledging receipt of the paper. Petitioner has submitted an evidentiary copy of the November 23, 2005 submission which includes a certificate of mailing under 37 CFR 1.8. Petitioner has also included a statement attesting to the timely mailing of the correspondence. Based upon this evidence, the duplicate paper is accepted. The file will be forwarded to the examiner of record for consideration of the November 23, 2005 amendment under 37 CFR 1.116. The amendment will be treated as though it was filed within two months from the date of the Final Rejection.

PETITION GRANTED

Karen M. Young

Karen Young, Director
Technology Center 3700

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M. Robert Kestenbaum
11011 Bermuda Dunes NE
Albuquerque NM 87111

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NOV 15 2006

OFFICE OF PETITIONS

In re Application of
Kramer et al.
Application No. 10/702,905
Filed: November 15, 2003
Attorney Docket No. (WW)29111 P US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 19, 2005, which set a shortened statutory period for reply of three (3) months. In the absence of a timely and proper response, the Office mailed a Notice of Abandonment on August 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an RCE and a submission; (2) the petition fee of $1,500.00; and (3) an appropriate statement of unintentional delay.

This matter is being referred to Technology Center Art Unit 3749.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/702,913	11/06/2003	2681	1064	872.0134.U1(US)	2	22	6

CONFIRMATION NO. 9428

29683
HARRINGTON & SMITH, LLP
4 RESEARCH DRIVE
SHELTON, CT 06484-6212

CORRECTED FILING RECEIPT

OC000000012067885

Date Mailed: 03/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Heikki M. Paivike, Kempele, FINLAND;
Mikko U. Korpela, Raahe, FINLAND;
Antti O. Kangas, Oulunsalo, FINLAND;

Assignment For Published Patent Application

Nokia Corporation, Espoo, FINLAND;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/432,075 12/09/2002

Foreign Applications

If Required, Foreign Filing License Granted: 02/06/2004

Projected Publication Date: 06/17/2004

Non-Publication Request: No

Early Publication Request: No

Title

Method and apparatus for enabling a mobile station to adapt its revision level based on network

protocol revision level

Preliminary Class

455

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paul Jan Friday
P. O. Box 850
Coloma MI 49038

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NOV 16 2005

OFFICE OF PETITIONS

In re Application of :
Paul Jan FRIDAY :
Application No. 10/702,923 : ON PETITION
Filed: November 7, 2003 :
Attorney Docket No. :

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2005, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the Notice of Abandonment mailed January 31, 2005.

The petition is **GRANTED**.

Petitioner requests the Notice of Abandonment mailed January 31, 2005 for failure to respond to the Notice of Allowance and Fee(s) Due mailed August 25, 2004 be withdrawn as petitioner timely filed a response. As evidenced by the attached PTOL-85 Part B- Fee(s) Transmittal Form (PTOL-85) with a certificate of mailing date of November 4, 2004 a response was timely filed.

Since the $750 petition fee submitted with the petition on June 13, 2005 was unnecessary in view of petitioners evidence of timely submission of the Issue Fee Due, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

It is noted that petitioner has filed personal information in this application. If petitioner desires to have this information expunged petitioner must file a petition under 37 CFR 1.59.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to the Office of Patent Publication.

Brian Hearn
Petitions Examiner
Office of Petitions

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GLEN E. BOOKS, ESQ.
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of :
Joseph Mazzochette et al :
Application No. 10/702,957 : DECISION ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 14123-12 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 7, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed March 7, 2006. Accordingly, the date of abandonment of this application is June 8, 2006. A Notice of Abandonment was mailed on July 20, 2006, subsequent to the filing of the present petition to revive.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400 and the publication fee of $300, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/2/09

TO SPE OF : ART UNIT **2616 (2600)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/702,965** Patent No.: **7,313,095**

Attn: Ajit Patel

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest C. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☒ **Denied**	State the reasons for denial below.

Comments: The amendment to the claims changes the Scope.

C. Paul Harper — SPE
2617 — Art Unit

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

Date : 11/9/2009
Patent No. : 7,313,095 B2
Serial No. : 10/702,965
Inventor(s) : Nucci et al.
Issue Date : December 25, 2007
Title : **METHOD FOR ESTIMATING TELECOMMUNICATION NETWORK TRAFFIC USING LINK WEIGHT CHANGES**
Doc./File No. : **2495/SPRI.108014**

Re: Certificate of Correction

Consideration has been given your request for a certificate of correction, for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error(s) in your request, after further review by the examiner, it is determined that the amendment to the claims changes the scope.

In view of the foregoing, your request for certificate of correction is hereby denied.

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 756-1580
Decisions & Certificates of Correction Branch

SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK KS 66251-2100

ecw

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MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARTVILLE, OH 44632

Mail Date: 04/21/2010

Applicant	: Gary K. Michelson	: DECISION ON REQUEST FOR
Patent Number	: 7655027	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,978	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1364** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,979,274	2005-12-27	10/702,983	2003-11-05	0061-0001

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity			Small Entity		
	Fee	Code		Fee	Code
○	3 ½ year	(1551)	◉	3 ½ year	(2551)
○	7 ½ year	(1552)	○	7 ½ year	(2552)
○	11 ½ year	(1553)	○	11 ½ year	(2553)

SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

◉ An attorney or agent registered to practice before the Patent and Trademark Office

○ A sole patentee

○ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.

○ A joint patentee; all of whom are signing this e-petition

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/James M. Olsen, Reg. No. 40,408/	Date (YYYY-MM-DD)	2010-02-23
Name	James M. Olsen	Registration Number	40408

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent No. 6979274
Issue Date: December 27,2005
Application No. 10702983
Filed: November 5,2003
Attorney Docket No. 0061-0001

:
:DECISION GRANTING PETITION
:UNDER 37 CFR 1.378(c)
:

This is a decision on the electronic petition, filed February 23,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of February 23,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

Telephone inquiries related to this electronic decision should be directed to the Electronic Business Center at 1-866-217-9197.

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

Mail Date: 04/20/2010

Applicant	: David McKnight	: DECISION ON REQUEST FOR
Patent Number	: 7627833	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/702,993	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1060** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

JUN 28 2006

CENTRAL REEXAMINATION UNIT

Mark A. Frentrup
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303

In re Application of :
Mercouri G. Kanatzidis et al. :
Application No. 10/703,026 :
Filed: November 6, 2003 :
Attorney Docket No. 6550-000022/REB :

DECISION DISMISSING
PETITION UNDER
37 CFR §1.183

This is a decision on the May 10, 2006, "Petition Under 37 CFR 1.183" requesting waiver of the 37 CFR 1.125(d) prohibition against the filing of a substitute specification in a reissue application and waiver of the 37 CFR 1.173(a)(1) requirement that a specification be furnished in the form of a copy of a printed patent, in double column format.

The petition is before the Office of Patent Legal Administration of the United States Patent and Trademark Office.

The $400 fee, required for consideration of the petition, (37 CFR 1.17(f)) has been charged to Deposit Account DA 08-0750 as authorized by Mr. Frentrup (in a telephone interview held June 16, 2006) in accordance with the general authorization to charge necessary fees included in the original reissue application transmittal form.

The petition is **dismissed**.

BACKGROUND

US Patent No. 6,312,617 to Mercouri G. Kanatzidis et al. (the '617 patent) issued on November 6, 2001. A certificate of correction to the aforementioned patent was issued on February 11, 2003.

On November 6, 2003, Petitioner filed an application (assigned serial number 10/703,026) for reissue of the '617 patent. The application as filed was submitted in double column format but did not incorporate the changes to the specification and claims that became part of the issued patent by means of the certificate of correction. Instead, applicant presented the certificate of correction as a preliminary amendment and requested the Office to effect entry of the changes.

As a result of applicant not actually inserting the changes made by the certificate of correction into the application pursuant to MPEP 1411.01, the application as filed was held not to conform

with 37 CFR 1.173(a)(1). The Office action of 16 December 2005 informed applicant of this defect and required corrective action.
Applicant, on March 16, 2006, submitted a substitute specification in double column format bodily incorporating the certificate of correction. However, 37 CFR 1.125(d) prohibits the use of a substitute specification in reissue applications.

On May 10, 2006, applicant filed the instant petition requesting waiver of rules 37 CFR 1.125(d) and 1.173(a)(1) to allow entry of the substitute specification.

DECISION

37 CFR 1.183 provides that "in an extraordinary situation, where justice requires" a regulation may be waived. An extraordinary situation is not present where there is an avenue for relief that does not necessitate waiver of any rules. See also *Cantello v. Rasmussen*, 220 USPQ 664 (Comr. 1982) for the principle that extraordinary relief will not normally be considered if the rules provide an avenue for obtaining the relief sought.

In this instance, applicant can accomplish the desired result – the entry of an amendment placing the application in proper format – within the ordinary procedures set out by the Office. This may be accomplished by providing replacement paragraphs incorporating the material in the certificate of correction to be entered without the use of underlining and bracketing.

In particular, applicant may submit an amendment that directs the Office to replace the appropriate paragraphs, in order to conform the application to the patent including the changes of the certificate of correction. For example, applicant can direct the Office to "replace the paragraph starting on Column 3, line 60, with the following paragraph", where the paragraph supplied would reflect the change to column 3 line 64 as per the certificate of correction (and as retyped in the substitute specification), with no underlining or brackets provided. There is no indication in the record that the examiner has deemed the changes made by the certificate of correction to be so numerous and complex, as to call for a substitute specification.

In view of the above discussion, waiver of the rules is inappropriate in this instance. Therefore, the petition is **dismissed**.

CONCLUSION

1. The petition under 37 CFR 1.183 to waive, for the instant application, the requirements of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1) is **dismissed**.

2. Jurisdiction over the reissue application file is being returned to Group 1700.

3. Telephone inquiries with regard to this decision should be directed to Pinchus M. Laufer, Office of Patent Legal Administration, at (571) 272-7726.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examining Policy

06-22-06
C:\kiva\kenpet6\reissue\10703026 - 183 waiver_sub_spec decision_dism.doc

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/703,026	11/06/2003	Mercouri G. Kanatzidis	6550-000022/REB	9766

27572 7590 03/09/2009

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
KOSLOW, CAROL M	

ART UNIT	PAPER NUMBER
1755	

MAIL DATE	DELIVERY MODE
03/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090303

DATE : March 03, 2009

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction on Patent No.: RE39,640

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/J.A. LORENGO/
Supervisory Patent Examiner, Art Unit 1793

UNITED STATES PATENT AND TRADEMARK OFFICE

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD CA 94035-1000

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APR 0 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Keller et al.	:	
Application No. 10/703,039	:	ON PETITION
Filed: November 5, 2003	:	
Attorney Docket No. ARC-15073-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 9, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the Oath/Declaration (plus the late surcharge) and Replacement Drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD, CA 94035-1000

Mail Date: 04/20/2010

Applicant	: Richard M. Keller	: DECISION ON REQUEST FOR
Patent Number	: 7590606	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/703,039	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **851** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NASA AMES RESEARCH CENTER
ATTN: PATENT COUNSEL
MAIL STOP 202A-4
MOFFETT FIELD, CA 94035-1000

Mail Date: 05/17/2010

Applicant : Richard M. Keller
Patent Number : 7590606
Issue Date : 09/15/2009
Application No: 10/703,039
Filed : 11/05/2003

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **907** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134

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APR 2 7 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Christopher H. Lowery
Application No. 10/703,040
Filed: November 5, 2003
Attorney's Docket No. LUM-8774-1D

This is a decision on the petition filed April 5, 2004 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of November 5, 2003, rather than the presently accorded filing date of November 6, 2003.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on November 5, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a receipt from the post office showing that postage for Express Mail label No. EL994217414US was paid for on November 5, 2003. The proof submitted indicates that the Express Mail package was mailed on November 5, 2003 and the same Express Mail label number shown on the receipt is the same number found on the original application papers.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came

into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in s 10.1®) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed April 5, 2004, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is **GRANTED**.

No petition fee is due and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination and for correction of the filing date to July 11, 2001 and then to the Publications Division.

Telephone inquires regarding this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134

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OFFICE OF PETITIONS

In re Application of :
Christopher H. Lowery :
Application No. 10/703,040 :
Filed: November 5, 2003 :
Attorney's Docket No. LUM-8774-1D :

CORRECTED DECISION
ON PETITION

This is a decision on the petition filed April 5, 2004 under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of November 5, 2003, rather than the presently accorded filing date of November 6, 2003.

Petitioners request the later filing date on the basis that the application was deposited in Express Mail service on November 5, 2003, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a receipt from the post office showing that postage for Express Mail label No. EL994217414US was paid for on November 5, 2003. The proof submitted indicates that the Express Mail package was mailed on November 5, 2003 and the same Express Mail label number shown on the receipt is the same number found on the original application papers.

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came

into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in s 10.1®) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

The petition filed April 5, 2004, is accompanied by the corroborating evidence required by the rule. Accordingly, the petition is **GRANTED**.

No petition fee is due and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination and for correction of the filing date to November 5, 2003 rather than the presently accorded filing date of November 6, 2003.

Telephone inquires regarding this matter should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARINA PORTNOVA
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

In re Application of :
Catahan, et al. :
Application No. 10/703,053 : DECISION ON PETITION
Filed: November 5, 2003 : TO WITHDRAW
Attorney Docket No. 005306.P102 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 26, 2006

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Blakely, Sokoloff, Taylor & Zafman, LLP, has been revoked by the assignee of the patent application on September 5, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: SAM CAMPBELL
CAMPBELL STEPHENSON ASOCOLESE, LLP
4807 SPICEWOOD SPRING ROAD
BLDG. 4, SUITE 201
AUSTIN, TX 78759

10-703-059

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/8/2005

TO SPE OF : ART UNIT 3600(3612)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,877,788

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-922
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

*** okay to enter drawing changes?**

Ernest C. White, LIE305-8339
Certificates of Correction Branch

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments:

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

KBP **SPE** 3612 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 17 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Thomas M. TURNER
1459 BAY POINTER DR.
SARASOTA, FL 34236

In re application of : **DECISION ON PETITION**
Thomas Miles Turner I : **TO MAKE SPECIAL**
Application No. 10/703,060 : **(APPLICANT'S AGE)**
Filed: November 6, 2003 :
For: OPTIMIZED KINETIC ENERGY MACHINE FOR EXCAVATING UNDERWATER ROCK

This is a decision on the petition submitted on August 11, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a copy of Thomas M. Turner's birth certificate indicating that he is at least 65 years of age.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/dcg: 9/14/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEX CHARTOVE
MORRISON & FOERSTER
SUITE 300
1650 TYSONS BLVD
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of :
Yaakov Karsenty et al :
Application No. 10/703,073 : ON PETITION
Filed: November 7, 2003 :
Attorney Docket No. 379242000100 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed February 13, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 14, 2004.

The filing of a terminal disclaimer is unnecessary as a condition for revival pursuant to the provisions of 37 CFR 1.137(b) under the current rules. Therefore, the terminal disclaimer filed with the petition will not be processed and the terminal disclaimer fee ($130) is being credited to petitioner's Deposit Account No. 03-1952, as authorized.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Office of Initial Patent Examination for preexamination processing.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/21/2010

Applicant	: Yusaku Kashiwagi	: DECISION ON REQUEST FOR
Patent Number	: 7601402	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/703,092	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1276** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE: J. Chiang

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/15/07

Paper No.: _____

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/203,100 Patent No.: 7188321

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

JACK CHIANG
SUPERVISORY PATENT EXAMINER

_____ 2825
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date :07/25/07

Patent No. : 7188321 B2
Ser. No. : 10/703,100
Inventor(s) : WONG, ROBERT C.
Issued : 03/06/07
Title : **GENERATION OF METAL HOLES BY VIA MUTATION**
Docket No. : 03 P 51687 US

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

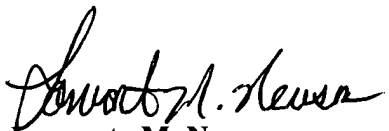
Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.



Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

BRINKS HOFER GILSON & LIONE
INFINEON
PO BOX 10395
CHICAGO IL 60610

LMN

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
INFINEON
PO BOX 10395
CHICAGO IL 60610

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Patent No. 7,188,321 :
Issued: March 6, 2007 :
Application No. 10/703,100 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket Number: 10808/152 :

This is a decision on the petition filed November 5, 2007, under 37 CFR 3.81(b)[1], to correct the names and addresses of the assignees on the front of the Patent.

The petition is **GRANTED**.

Petitioner seeks to correct the face of the patent due to a typographical error made on the Fee(s) Transmittal form PTOL-85(b). Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct names and addresses of the assignees on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request is accompanied by a certificate of correction. Office assignment records reflect that IBM CORPORTAION, ARMONK, NY (US); INFINEON TECHNOLOGIES AG, MUNICH (DE); and UNITED MICROELECTRONICS CORP., HSIN-CHU (TW) are the assignees of record. The petition fee in the amount of $130.00 has been appled and the fee for the certificate of correction was previously applied.

---

[1] See Official Gazette of June 22, 2004

Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Timothy M. Donoughue
Division Intellectual Property Counsel
Baker Atlas Division of Baker Hughes Incorporated
P.O. Box 1407
Houston TX 77251

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NOV 19 2004

OFFICE OF PETITIONS

In re Application of
Sloan & Schutte
Application No. 10/703,114
Filed: November 6, 2003
Attorney Docket No. 584-28051 US (102.44)
For: PERFORATING GUN QUICK CONNECTION SYSTEM

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 12, 2004 (certificate of mailing date October 8, 2004).

The petition is granted.

Petitioner has shown that the non-signing inventor, Randy C. Schutte, has clearly refused to join in the filing of the above-identified application. Specifically, the statement of facts of Geoffrey Baker, an attorney representing Mr. Schutte, establishes that the inventor refused to review and comment on any documents connected with Baker Hughes Canada Company unless he received additional compensation. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center G.A.U. 3672 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Randy C. Schutte
199 Rocky Ridge Drive, NW
Calgary, Alberta T3G 4M1
Canada

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NOV 19 2004

OFFICE OF PETITIONS

In re Application of
Sloan & Schutte
Application No. 10/703,114
Filed: November 6, 2003
Attorney Docket No. 584-28051 US (102.44)
For: PERFORATING GUN QUICK CONNECTION SYSTEM

: LETTER

Dear Mr. Schutte:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Timothy M. Donoughue
Division Intellectual Property Counsel
Baker Atlas Division of Baker Hughes Incorporated
P.O. Box 1407
Houston TX 77251

UNITED STATES PATENT AND TRADEMARK OFFICE

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GILBRETH ROEBUCK BYNUM DERRINGTON
SCHMIDT WALKER & TRAN, LLP
FROST BANK BUILDING
6750 WEST LOOP SOUTH, SUITE 920
BELLAIRE, TX 77401

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OFFICE OF PETITIONS

In re Application of

Sloan, et al.

Application No. 10/703,114

Filed: November 6, 2003

Attorney Docket No. 584-28051 US (102.44)

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), November 10, 2006, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $1,400.00 and the publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed May 9, 2006. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on August 10, 2006.

The issue fee and publication fee were received on May 9, 2006.

Form PTOL-85B, filed November 10, 2006, is noted and made of record.

The application is being directed to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/703,122	11/06/2003	2817	770	10012229-2	6	10	1

CONFIRMATION NO. 9036

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

CORRECTED FILING RECEIPT

OC000000012713566

Date Mailed: 06/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

James J. deBlanc, Roseville, CA;
David Dickey, Roseville, CA;
Andrew Michael Cherniski, Rescue, CA;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/870,839 05/30/2001 PAT 6,696,906

Foreign Applications

If Required, Foreign Filing License Granted: 04/30/2004

Projected Publication Date: 08/26/2004

Non-Publication Request: No

Early Publication Request: No

Title

Low dielectric loss signal line

Preliminary Class

333

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE
5445 CORPORATE DRIVE
SUITE 400
TROY MI 48098

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of :
Sehat Sutardja :
Application No. 10/703,135 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. MP0410 :

This is a decision on the petition, filed March 16, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 23, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2817 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ATTN: PATENT INTAKE CUSTOMER NO. 30623
ONE FINANCIAL CENTER
BOSTON MA 02111

COPY MAILED

AUG 0 1 2008

In re Application of	:	
Bevilacqua et al.	:	
Application No. 10/703,143	:	DECISION ON PETITION
Filed: November 3, 2003	:	
Attorney Docket No. 33743-503 CIP DIV	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the Final Rejection of July 31, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is February 1, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $405, and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1631 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 08/04/2010

Applicant	: Peter Bittner	: DECISION ON REQUEST FOR
Patent Number	: 7653688	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/703,144	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/05/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1127** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P. O. Box 1450
Alexandria, VA 22313-1450
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ALLEN C. TURNER
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UTAH 84110-2550

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OFFICE OF PETITIONS

In re Application of :
Levoy Golden Haight et al :
Application No. 10/703,152 : NOTICE
Filed: November 6, 2003 :
Attorney Docket No. 2020-5544.1US

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/08

TO SPE OF : ART UNIT 2193

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/703,154 Patent No.: 7334011B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-308-9390 ext. 113

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

DAVID H. MALZAHN
PRIMARY EXAMINER

LEWIS A. BULLOCK, JR.
SUPERVISORY PATENT EXAMINER

_____ 2193
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-07

W. ERIC BOYD, ESQ.
IRVINE SENSORS CORP.
BLDG. 3/108
3001 REDHILL AVE.
COSTA MESA CA 92626

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JAN 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Sambo S. He	:	DECISION ON PETITION TO
Application No. 10/703,177	:	WITHDRAW HOLDING OF
Filed: 6 November, 2003	:	ABANDONMENT
Attny Docket No. ISC-119	:	

This is a decision on the petition filed on 23 October, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Office action requiring restriction or election mailed on 16 June, 2005, which set a one (1) month shortened statutory period for reply. Notice of Abandonment was mailed on 10 October, 2006.

Petitioner asserts that the Notice mailed on 16 June, 2005, was not received because it was mailed to the wrong address due to USPTO error. Specifically, petitioner asserts that applicant's street address within the correspondence address was listed as "3001 Redhill Avenue" on the declaration filed on 6 November, 2003, but the Office action mailed on 16 June, 2005, was mailed to "**3301** Redhill Avenue" (emphasis added) due to an Office error.

In the absence of any irregularity in the mailing of the final Office action, there is a strong presumption that the final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received. The showing required to establish the failure to receive an Office

communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the final Office action may have been lost after receipt rather than a conclusion that the final Office action was lost in the mail.

A review of the official file reveals that on 6 November, 2003, a declaration in compliance with 37 CFR 1.63 was filed, listing the correspondence address, in pertinent part, as "3001 Redhill Avenue." However, the Office action mailed on 16 June, 2005, listed the street address as "3301 Redhill Avenue". Furthermore, the Office communication mailed on 16 June, 2005, was returned to the USPTO as undeliverable on 7 July, 2005. As such, the showing of record is that there was an irregularity in the mailing of the Notice mailed on 16 June, 2005, in that said Notices was not mailed to the proper address.

The Office apologizes for any inconvenience to petitioner.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Counsel's address has been corrected in Office records.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

As such, the holding of abandonment is **withdrawn**. The application is restored to pending status.

The petition is **GRANTED.**

The application file is being referred to Technology Center 2800 technical support staff for remailing of the Office action mailed on 16 June, 2005. The period for reply will be reset from the mailing date thereof.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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W. ERIC BOYD, ESQ.
IRVINE SENSORS CORP.
BLDG. 3/108
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COSTA MESA CA 92626

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MAR 0 3 2008

OFFICE OF PETITIONS

In re Application of	:	
Sambo S. He	:	DECISION ON PETITION TO
Application Number: 10/703177	:	WITHDRAW HOLDING OF
Filing Date: 11/06/2003	:	ABANDONMENT
Attorney Docket Number: ISC-119	:	

This is a decision on the petition, filed on January 22, 2008, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a response to the non-final Office action mailed on April 4, 2007, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on January 14, 2008.

Petitioner asserts that a response to the non-final Office action mailed on April 4, 2007, was timely filed, in that an amendment and petition for a one (1) month extension of time, in response to the non-final Office action mailed on April 4, 2007, was filed on July 16, 2007. In support, petitioner has supplied a copy of the amendment asserted to have been previously filed, as well as a postcard bearing an "Office-date stamp" of July 16, 2007. The amendment and petition for a one (1) month extension of time also contains a certificate of mailing under 37 CFR 1.8, dated, July 12, 2007, signed by petitioner's registered patent practitioner, W. Eric Boyd.

A review of the official file reveals that on December 17, 2007, a copy of the amendment asserted to have been timely filed was also provided. The amendment was original matched with a different application, but has now been placed in the correct application file. In this regard, it is noted that the amendment

miscaptions the application number as "10/703,117" (*sic*), but contains the correct inventor's name, attorney docket number, invention title, examiner's name, and examining art unit.

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

MPEP 503 states, in pertinent part, that the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. As the copy of the postcard submitted with the present petition does not contain the applicants' name, application number, or any other information identifying the application, the postcard submitted with the present petition does not meet the requirements of MPEP 503, and cannot serve as evidence of the date of receipt of the amendment and extension of time filed in response to the non-final Office action mailed on April 4, 2007.

Nevertheless, the amendment contains a Certificate of Mailing Under 37 CFR 1.8 dated July 12, 2007, signed by petitioner's registered patent practitioner, W. Eric Boyd. The present petition, signed by attorney "Boyd, states that "[a]pplicant … determined that on July 12, 2007, applicant mailed a Response to Office action and Petition for One-Month Extension of time."

As the instant petition was signed by attorney Boyd, the Office, in accepting this petition, is construing the statement petition to mean that the practitioner has personal knowledge that the correspondence was mailed on the date specified on the Certificate of Mailing or Transmission. Petitioner must inform the Office if this is an incorrect interpretation.

The extension of time fee has also been received.

As petitioner has provided convincing evidence that an amendment and extension of time were timely filed on July 12, 2007, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The application is being referred to Technology Center Art Unit 2822 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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NIXON PEABODY LLP
200 PAGE MILL ROAD
PALO ALTO, CA 94306

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MAY 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Julius Lin	:	DECISION ON PETITION
Application No. 10/703,184	:	TO WITHDRAW
Filed: November 5, 2003	:	FROM RECORD
Attorney Docket No. 188702/US/2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 3, 2006.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on January 26, 2006 the power of attorney was revoked by the applicant of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Dorsey & Whitney, LLP
Intellectual Property Department
370 Seventeenth Street
Suite 4700
Denver CO 80202-5647

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Paper No. None

John R. Benefiel
Suite 100 B
280 Daines Street
Birmingham MI 48009

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FEB 12 2004

OFFICE OF PETITIONS

In re Application of :
Ronald G. Witchie :
Application No. 10/703,193 : DECISION ON PETITION
Filing Date: November 5, 2003 : 37 C.F.R. §1.10
Attorney Docket No. RTI-101 :
Title: ARRANGEMENT AND METHOD :
FOR PROVIDING AN AIR FLOW :
WITHIN AN UPHOLSTERED SEAT :

This is a decision on the "Petition to Correct Filing Date" which is properly treated as a petition under 37 C.F.R. §1.10(d), filed December 5, 2003, requesting that application number 10/703,193 be accorded a filing date of November 5, 2003.

The application was deposited on November 6, 2003. Shortly thereafter, the Office mailed the postcard receipt which Petitioner included with the instant petition, indicating that the application had been accorded a filing date of November 6, 2003.

On December 5, 2003, applicant filed the instant petition, where it was alleged that the application was deposited on November 5, 2003, and the United States Postal Service (USPS) placed the wrong date of November 6, 2003 on Express mail Label Number EL901917408US. It is noted that Petitioner has not included a copy of this Express mail Label Number. Petitioner has included a statement from an employee of the USPS.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. A check of the United States Postal Service's website

(http://www.usps.com/shipping/trackandconfirm.htm) provided the same result.

However, both the Petitioner and an employee of the USPS (Maria Peraino, Express Mail Manager for the main Post Office of Royal Oak, Michigan) assert that the application was deposited on November 5, 2003, and due to a processing delay, the date of November 6, 2003 was incorrectly assigned to it.

Although the application received a filing date of November 6, 2003, the evidence is convincing that the application papers were filed on November 5, 2003, and the incorrect date was subsequently assigned to the package by the USPS, and subsequently to the database used to create the website tracking service. Therefore, the application was entitled to a filing date of November 5, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 5, 2003, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

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Paper No. None

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FEB 04 2004

OFFICE OF PETITIONS

In re Application of :
Brian Lee Taylor et al. :
Application No. 10/703,194 : DECISION ON PETITION
Filing Date: November 5, 2003 : 37 C.F.R. §1.10
Attorney Docket No. DNY-113 :
Title: POST BALL BEARING AND :
METHOD OF MANUFACTURE :

This is a decision on the "Petition to Correct Filing Date" which is properly treated as a petition under 37 C.F.R. §1.10(d), filed December 5, 2003, requesting that application number 10/703,194 be accorded a filing date of November 5, 2003.

The application was deposited on November 6, 2003. Shortly thereafter, the Office mailed the postcard receipt which Petitioner has included, indicating that the application had been accorded a filing date of November 6, 2003.

On December 5, 2003, applicant filed the instant petition, where it was alleged that the application was deposited on November 5, 2003, and the United States Postal Service (USPS) placed the wrong date of November 6, 2003 on Express mail Label Number EO901911665US. It is noted that Petitioner has not included a copy of this Express mail Label Number. Petitioner has included a statement from an employee of the USPS.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. However, a check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) shows that the

package was accepted on November 6, 2003. A copy of the later search result is enclosed.

Hence, the website tracking results, provided by the USPS, indicates that the package was deposited on November 6, 2003.

However, both the Petitioner and an employee of the USPS (Maria Peraino, Express Mail Manager for the main Post Office of Royal Oak, Michigan) assert that the application was deposited on November 5, 2003, and due to a processing delay, the date of November 6, 2003 was incorrectly assigned to it.

Although the application received a filing date of November 6, 2003, the evidence is convincing that the application papers were filed on November 5, 2003, and the incorrect date was subsequently assigned to the package by the USPS, and subsequently to the database used to create the website tracking service. Therefore, the application was entitled to a filing date of November 5, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 5, 2003, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Printout of the USPS online tracking results

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CONCORD MA 01742-9133

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OFFICE OF PETITIONS

In re Application of :
Cui et al. :
Application No. 10/703,198 : DECISION ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 3226.1017-001 :

This is a decision on the petition, filed August 7, 2007, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 5, 2007, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 5, 2007.

Petitioner states that a timely reply was mailed via certificate of mailing on April 5, 2007, which included the following papers: amendment and claims. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated April 5, 2007, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 5, 2007 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on April 5, 2007.

This application is being referred to Technology Center AU 2617 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Paper No. None

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FEB 04 2004
OFFICE OF PETITIONS

In re Application of :
Victor L. Chun et al. :
Application No. 10/703,203 : DECISION ON PETITION
Filing Date: November 5, 2003 : 37 C.F.R. §1.10
Attorney Docket No. DNY-112 :
Title: ROLLER CAM MECHANISM AND :
DRIVE ASSEMBLY WITH POSITIVE :
RETRACTION :

This is a decision on the "Petition to Correct Filing Date" which is properly treated as a petition under 37 C.F.R. §1.10(d)," filed December 5, 2003, requesting that application number 10/703,203 be accorded a filing date of November 5, 2003.

The application was deposited on November 6, 2003. Shortly thereafter, the Office mailed the postcard receipt which Petitioner has included on filing, indicating that the application had been accorded a filing date of November 6, 2003.

On December 5, 2003, applicant filed the instant petition, where it was alleged that the application was deposited on November 5, 2003, and the United States Postal Service (USPS) placed the wrong date of November 6, 2003 on Express mail Label Number EO901911626US. It is noted that Petitioner has not included a copy of this Express mail Label Number. Petitioner has included a statement from an employee of the USPS.

A check of the Office's USPS Express Mail Finder Database computer program was inconclusive. However, a check of the United States Postal Service's website (http://www.usps.com/shipping/trackandconfirm.htm) shows that the

package was accepted on November 6, 2003. A copy of the later search result is enclosed.

Hence, the website tracking results, provided by the USPS, indicates that the package was deposited on November 6, 2003.

However, both the Petitioner and an employee of the USPS (Maria Peraino, Express Mail Manager for the main Post Office of Royal Oak, Michigan) assert that the application was deposited on November 5, 2003, and due to a processing delay, the date of November 6, 2003 was incorrectly assigned to it.

Although the application received a filing date of November 6, 2003, the evidence is convincing that the application papers were filed on November 5, 2003, and the incorrect date was subsequently assigned to the package by the USPS, and subsequently to the database used to create the website tracking service. Therefore, the application was entitled to a filing date of November 5, 2003.

Accordingly, the petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 5, 2003, as well as the mailing of a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.

Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Printout of the USPS online tracking results

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WASHINGTON DC 20001

In re Application of	:	DECISION ON
Assem Ziady et al	:	
Application No.: 10/703,206	:	
Filing Date: 07 November 2003	:	PETITION UNDER
Attorney's Docket No.: 003659.00031	:	
For: ENHANCED DELIVARY VIA	:	
SERPIN ENZYME COMPLEX RECEPTOR	:	37 CFR 1.137(b)

This is in response to "SECOND RENEWED PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b)" filed on 09 April 2004.

Applicants' petition under 37 CFR 1.137(b) filed 07 November 2003 to revive international application PCT/US00/20545 abandoned under 35 U.S.C. 371(d) was dismissed.

On 09 April 2004, applicants filed a second renewed petition to revive international application PCT/US00/20545 that indicates that a continuing application was filed under 35 U.S.C. 111 which contained both a preliminary amendment and an application data sheet, both of which recited a claim of priority to the international application. A review of the file 10/703,206 shows that claim of priority to the international application has been properly established.

As is evident from the above recited facts, applicant submitted a petition and papers for application 10/703,206. These papers were improperly separated and assigned a different application number, 10/477,211, thus having two application numbers for the above papers. Consequently, the papers placed in application number 10/477,211 belong in application number 10/703,206.

The renewed petition in application number 10/477,211 and the application papers in this file have been place in application number 10/703,206. Applicants should use application number **10/703,206** in all future communications with the Patent and Trademark Office.

Accordingly applicants' petition under 37 CFR 1.137(b) filed 01 April 2004 to revive international application PCT/US00/20545 abandoned under 35 U.S.C. 371(d) is hereby **GRANTED** as to the National stage in the United States of America as follows:

The filing of the present continuing application under 35 U.S.C. 111 is accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)).

International application PCT/US00/20545 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 10/703,206.

This application is being forward to Office Initial Patent Examination (OIPE) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

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MAY 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Gunther Fischbach, Klaus Becker :
and Guido Legewie : DECISION GRANTING PETITION
Application No. 10/703,208 : UNDER 37 CFR 1.47(a)
Filed: November 6, 2003 :
Title: PLATEN FOR AN INJECTION MOLDING MACHINE, AND TWO-PLATEN INJECTION MOLDING MACHINE EQUIPPED WITH SUCH A PLATEN

This is in response to the "Petition Under 37 CFR 1.47(a)," filed March 12, 2004.

The petition is **granted**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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58300 WETTER
GERMANY

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OFFICE OF PETITIONS

In re Application of
Gunther Fischbach, Klaus Becker and Guido Legewie
Application No. 10/703,208
Filed: November 6, 2003
For: PLATEN FOR AN INJECTION MOLDING MACHINE, AND TWO-PLATEN INJECTION MOLDING MACHINE EQUIPPED WITH SUCH A PLATEN

Dear KLAUS BECKER:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Edward Tannouse at (703) 306-9200. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

HENRY M. FEIEREISEN, LLC
350 FIFTH AVENUE
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NEW YORK, NY 10118

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SUITE 2400
AUSTIN, TX 78701

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OFFICE OF PETITIONS

In re Application of :
Susan Kasper :
Application No. 10/703,209 : DECISION GRANTING PETITION
Filed: November 6, 2003 :
Attorney Docket No. VBLT:031US :

This is a decision on the petition filed May 14, 2004, under 37 CFR 1.10 requesting that the above-cited application be accorded a filing date of November 6, 2003, rather than the presently accorded filing date of November 7, 2003.

Petitioner alleges that the application was deposited with the Express Mail Service on November 6, 2003. In support of the allegation, the petition is accompanied by a copy of the Express Mail postcard with a tracking number EV323283294 showing a "date-in" of November 6, 2003. The tracking number cited is the same number found on the application transmittal sheet that accompanied the original application papers. The evidence is convincing that the application papers were deposited on November 6, 2003.

In view of the above, the petition is granted. The new filing date for the above-cited application is November 6, 2003.

The Office of Initial Patent Examination will further process the application with a filing date of November 6, 2003, and issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. 7,550,262

Issue Date: June 23, 2009

Application No. 10/703,210

Filed: November 5, 2003

Attorney Docket No. **02420/100M124-US1**

ON PETITION

This is a decision on the petition filed July 6, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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JUN - 2 2005

CARLOS J. PINELLA
9275 SOUTHWEST 152 STREET,
SUITE 102
MIAMI, FL 33157

In re Application of
Carlos J. Pinella
Serial No.: 10/703,212
Filed: November 6, 2003
Attorney Docket No.: LDP-8169

: PETITION TO MAKE SPECIAL

This is in response to the petition filed April 14, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefor the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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Laguna Hills CA 92653

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JUN 04 2004

OFFICE OF PETITIONS

In re Application of :
Buckman, et al. :
Filed: November 5, 2003 : ON PETITION
Application No. 10/703,220 :
Dkt. No.: : 212/516 :

This decision is in response to the "PETITION TO ACKNOWLEDGE RECEIPT OF PREVIOUSLY SUBMITTED DRAWING", filed April 9, 2004. This petition is being treated as a petition for withdrawal of Notice to File Missing Parts of Nonprovisional Application and accordance of a filing date of November 5, 2003.

The application was filed November 5, 2003. The Notice mailed February 9, 2004 by the Office of Initial Patent Examination indicated, *inter alia*, that the application had been accorded a filing date but that figure 4C appeared to have been omitted from the specification.

In response, the present petition was filed wherein petitioner argues that the application as deposited included figure 4C of the specification. Petitioner further argues that figure 4C appears on drawing sheet 4.

Upon review of the record, figure 4C has been located in the application file. Therefore, the application was complete on filing.

The Notice mailed February 9, 2004 was sent in error and hereby VACATED. The petition to accord the application a filing date of November 5, 2003 is hereby GRANTED.

No petition fee is due in connection with this matter.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of November 5, 2003 and an indication in Office records that figure 4C was present upon filing of the application.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

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SUITE 2700
PHOENIX AZ 85004-4498

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :

OPIE, John C. et al. :
Application No. 10/703,231 : DECISION ON PETITION
Filed: November 07, 2003 : TO WITHDRAW
Attorney Docket No. **032303.00004** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 04, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Alex Starkovich on behalf of all attorneys of record who are associated with customer No. 23619. All attorneys/agents associated with the Customer Number 23619 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **JOHN C. OPIE**
8310 N. VIA DE LAGO
SCOTTSDALE AZ 85258

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

Mail Date: 04/21/2010

Applicant	: Anja Hoffman	: DECISION ON REQUEST FOR
Patent Number	: 7597689	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/703,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **709** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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JOHN T. WINBURN
100 BOSCH BOULEVARD
NEW BERN NC 28562

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AUG 09 2006

OFFICE OF PETITIONS

In re Application of	:	
Herbert STEINER et al.	:	DECISION ON PETITIONS
Application No. 10/703,238	:	UNDER 37 CFR 1.183 AND
Filed: November 7, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2001P16014WOUS	:	

This is a decision on the petition under 37 CFR 1.183, filed March 20, 2006, requesting waiver of 37 CFR 1.78(a)(3) as that rule operates in conjunction with 37 CFR 1.17(t).

The petition under 37 CFR 1.183 is **DISMISSED** as moot in view of the request filed April 28, 2006, withdrawing the petition to waive the surcharge fee requirement of 37 CFR 1.78(a)(3). No fee has been assessed to petitioner's deposit account for the petition under 37 CFR 1.183.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to Technology Center 3742.

David Bucci
Petitions Examiner
Office of Petitions

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NEW BERN NC 28562

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JUN 20 2007

OFFICE OF PETITIONS

In re Patent No. 6,995,343 : DECISION GRANTING PETITION
Issue Date: February 7, 2006 : UNDER 37 CFR 1.78(a)(3) AND
Application No. 10/703,238 : REQUEST FOR CERTIFICATE OF
Filed: November 7, 2003 : CORRECTION
Attorney Docket No. 2001P16014WOUS :

This is a decision on the petition, filed May 29, 2007, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP02/04600, filed April 25, 2002, by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed November 7, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may

require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099.

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/703,238	11/07/2003	3742	1200	2001P16014WOUS	9	2

CONFIRMATION NO. 9363

CORRECTED FILING RECEIPT

OC000000024447775

46726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 06/20/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Herbert Steiner, Traunstein, GERMANY;
Tonoha Ramones, Traunstein, GERMANY;
Gunter Zschau, Traunreut, GERMANY;
Peter Blumenthal, Traunstein, GERMANY;
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Jose-Andres Garcia, Traunstein, GERMANY;
Ernst Schweidler, Stein/Traun, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number **000046726**.

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP02/04600 04/25/2002

Foreign Applications

GERMANY 10122427.3 05/09/2001

If Required, Foreign Filing License Granted: 02/04/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/703,238

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND DEVICE FOR LIMITING AND/OR CONTROLLING THE SURFACE TEMPERATURE OF A HOB

Preliminary Class

219

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).